129 China
DIPLOMATIC BUREAU.

To Interior, referring to previous correspondence. Thus as Int may reply. ASA

RECEIVED JAN 16 1906 DIPLOMATIC BUR. DEPT. OF STATE.

DEPT OF STATE JAN 16 1906 2ND ASST SECRETARY

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No. 160.

December 1, 1905.

For. Rels. 1906.

To Interior Dept. Jan 23

See note from French Amb. Jan 23/06 and letter to Interior Dept. Feb 5

Thos Feb 20

CHIEF CLERK JAN 16 1906 DEPARTMENT OF STATE.

Mr. Rockhill to the Secretary of State.

Subject:

Negotiations for trade mark regulations in China.

Enclosing copies of communications from the Shanghai and Tientsin Consulates regarding applications for regiatration of trade marks under the provisional regulations issued by the Chinese Government in 1904.

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Feb 1 from Int

No. 160.

RJ.

AMERICAN LEGATION,
PEKING, CHINA.

December 1, 1905.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

(not printed)

In further reference to my despatch No. 148 of November 10th, referring to the present status of the negotiations for trade mark regulations in China, and to my statement that I hoped to be able to submit to you a report by our Consular officers on the number of American who had received registration for their trade marks under the provisional regulations issued by China last year, I have now the honor to enclose copies of letters received from our Consuls General at Shanghai and Tientsin.

1-2/160

Offices for the registration of trade marks under the provisional regulations of last year were only opened, I believe at Shanghai and Tientsin. If others, of thich I have not learned, were opened, it is practically certain that applicants for registration received everywhere the same treatment. It appears therefore that while a number of American firms in China made application under the terms of the provisional regulations for registration of their trade marks, said applications were simply given provisional record numbers in the different offices, with the understanding that final registration would be granted later.

The question therefore arises whether the objection made by our Government to the regulations now being discussed, and communicated to this Legation in the Department's No. 42 of

August 17th, 1905, that Section 25 "may destroy the effect of registrations effected by American owners of trade marks under the trade-mark regulations heretofore published" which objection the Diplomatic Representatives here, as reported to you in despatch No. 148, declared themselves unable to agree with, may not be waived, as no American interests would seem to be imperiled by so doing.

I beg that the Department will give me instructions in the matter.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1. Mr. Rodgers to Mr. Rockhill, November 9, 1905.
2. Mr. Ragsdale to Mr. Rockhill, November 29, 1905.

Enclosure No. 1 in Despatch No. 160.

AMERICAN CONSULAR SERVICE.

Shanghai, November 9, 1905.

Hon. W. W. Rockhill,
American Minister,
Peking.

Dear Mr. Rockhill:

Referring to your letter of October 24th, I beg to inform you that only four American firms, viz: Wisner & Co., Am-American Trading Co., China & Japan Trading Co., and Mustard & Co., applied to the Chinese authorities in the latter part of last year for registration of their trade marks under the provisional regulations. The registration was not granted, on the ground that the enforcement of said regulations was postponed. The trade marks were, however, filed at the Bureau for Registration of Trade Marks and provisional record numbers given with the understanding that final registration is to be applied for when the regulations become effective.

Very truly yours,

(Signed) JAS. L. RODGERS.

Enclosure No. 1 in Despatch No. 1460.

AMERICAN CONSULAR SERVICE.

Shanghai, November 9, 1909.

Hon. W. W. Rockhill,

American Minister,

Peking.

Dear Mr. Rockhill:

Referring to your letter of October 26th, I beg to inform you that only four American firms, viz: Wisner & Co., American Trading Co., China & Japan Trading Co., and Mustard & Co., applied to the Chinese authorities in the latter part of last year for registration of their trade marks under the provisional regulations. The registration was not granted, on the ground that the enforcement of said regulations was postponed. The trade marks were, however, filed at the Bureau for Registration of Trade Marks and provisional record numbers given with the understanding that final registration is to be applied for when the regulations become effective.

Very truly yours,

(Signed) JAS. I. MOORE.

Enclosure No. 2 in Despatch No. 160.

AMERICAN CONSULAR SERVICE.

Tientsin, November 29, 1905.

Hon. W. W. Rockhill,

American Minister,

Peking.

Sir:

I have the honor to acknowledge receipt of letters from Mr. Coolidge with reference to the filing of trade marks at the Registrars office in Tientsin, and in reply have to say that the following firms have so far filed trade marks, as follows:

American Trading Co.,	13	Piece Goods,
Anconia Clock Co.,	1	Clocks,
Tarr, Wencen & Co.,	1	Copper Paint,
Standard Paint Co.,	2	Rubber Composition, Paints.
Standard Oil Co.,	7	Oils,
Fellows Medical Co.,	1	Drugs,
Hall & Ruckel,	2	Tooth Powder,
Smith Kliene French Co.,	1	Infants Food.
Pabst Brewing Co.,	1	Beer,
Joseph Schlitz,	1	Beer,
National Cash Register Co.,	1	Cash Registers,
Antikamnia Chemical Co.,	2	Chemicals,
Guffney Manufacturing Co.,	2	Drills and Sheetings.
Ponds Extract Co.,	1	Ponds Extract.
Volatile Oil Co.,	1	Oils,
The Engleberg Huller Co.,	1	Machinery,

The applications in each instance were filed and registered, and applications sent to the main office at Peking, since which time nothing has been done.

I am, Sir,

Your obedient servant,

JAMES W. RAGSDALE,

American Consul General.

File with 406.

UNITED STATES AND GREAT BRITAIN.

PROTECTION OF TRADE-MARKS IN CHINA.

AGREEMENT EFFECTED BY EXCHANGE OF NOTES, JUNE 28, 1905.

BRITISH EMBASSY,
Lenox, Mass., August 16, 1904.

SIR: Under an Order in Council of the 2nd February, 1899, it is open to a foreigner whose trade-mark has been infringed by a British subject in China to take proceedings against the latter in the British Consular Court, provided—

(1) That the consent in writing of His Majesty's Minister or Chargé d'Affaires be obtained to the prosecution; but

(2) Such consent may be withheld unless His Majesty's Minister or Chargé d'Affaires is satisfied that effectual provision exists for the punishment in Consular or other Courts in China of similar acts committed by the subjects of the State or Power of which such prosecutor is a subject.

By correspondence with the French, German and Italian representatives in London, it has been ascertained that provision exists for the punishment in the Consular Courts of France, Germany, and Italy in China of citizens or subjects of those countries should they infringe British trade-marks, and the necessary information has been given to His Majesty's Representative in Peking and to the Representatives there of the three countries mentioned to enable them to carry out the arrangements desired by their Governments for the mutual protection of their trade-marks.

I am instructed by His Majesty's Principal Secretary of State for Foreign Affairs to enquire whether the Government of the United States would be disposed to conclude a similar arrangement with His Majesty's Government.

I have the honour to be, with the highest consideration, sir, your most obedient, humble Servant,

(Signed) H M DURAND

The Honourable JOHN HAY,
Secretary of State, etc., etc., etc.

DEPARTMENT OF STATE,
Washington, September 23, 1904.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 16th ultimo inquiring whether this Government would be disposed to conclude with that of Great Britain an agreement providing for the punishment in the consular courts of the United States of American citizens infringing British trade-marks in China and for the punishment in the consular courts of Great Britain of British subjects infringing American trade-marks in China.

The Government of the United States is of the opinion that some arrangement of this sort would be advantageous to its citizens doing business in China, and is therefore willing to enter into such an agreement with regard to China as it already has with your Government for the reciprocal protection of trade-marks in Morocco. Under that agreement the American consular courts in Morocco protect British subjects against the infringement by American citizens in Morocco of such of their trade-marks as have been duly registered in the United States, and the British consular courts afford like protection to American citizens against the infringement by British subjects of such of their trade-marks as have been duly registered in Great Britain.

If this is satisfactory to your Government, the proposed agreement could be effected by an exchange of notes as in the case of Morocco.

I have the honor to be, with highest consideration, your excellency's most obedient servant,

FRANCIS B. LOOMIS,
Acting Secretary.

His Excellency the Right Honorable
Sir H. M. DURAND, G. C. M. G., K. C. S. I., K. C. I. E.,
etc., etc., etc.

BRITISH EMBASSY,
Washington, April 10, 1905.

SIR, I communicated to His Majesty's Secretary of State for Foreign Affairs your note of September 23, 1904 relative to the proposed Agreement between His Majesty's Government and the United States Government for the mutual protection of British and American Trade Marks in China.

I am now in receipt of a despatch from Lord Landsdowne stating that His Majesty's Government agree in the proposal put forward in that note that an arrangement should be come to between the two Governments with regard to China, such as already exists between them for the reciprocal protection of Trade Marks in Morocco.

I am directed to inform you of the concurrence of His Majesty's Government in the proposal, and to add that the necessary instructions on the subject will be sent to His Majesty's Minister at Peking.

I have the honour to be, with high consideration, sir, your most obedient, humble servant,

H M DURAND

The Honourable FRANCIS B. LOOMIS,
Acting Secretary of State, etc., etc., etc.

DEPARTMENT OF STATE,
Washington, April 17, 1905.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 10th instant informing me of the concurrence of his Majesty's Government in the proposal made by this Department's note of September 23, 1904, that the agreement between the Government of the United States and that of His Britannic Majesty for the mutual protection of American and British trade-marks in China, be effected by an exchange of notes, as was done in the case of the reciprocal protection of trade-marks in Morocco, and that the necessary instructions on the subject would be sent to His Majesty's Minister at Peking.

In accordance with the understanding thus reached, instructions have this day been addressed to the American Minister at Peking directing him to effect the exchange of notes with His Majesty's Minister there.

I have the honor to be, with the highest consideration, your excellency's most obedient servant

(Signed) FRANCIS B. LOOMIS
Acting Secretary.

His Excellency the Right Honorable
Sir H. M. DURAND, G. C. M. G., K. C. S. I., K. C. I. E.,
etc., etc., etc.

AMERICAN LEGATION,
Peking, China, June 28, 1905.

MR. MINISTER AND DEAR COLLEAGUE: The Acting Secretary of State of the United States has informed me in an instruction dated April 17, 1905, that you have been authorized by your Government to enter into a reciprocal agreement with me for the mutual protection of trade marks registered in the United States and Great Britain against infringement in China by the citizens or subjects of our respective nations, and he has given me authority to effect with you by an exchange of notes an agreement for the reciprocal protection of American and British trade marks in China.

In pursuance of the general agreement reached between our respective governments on the subject, it affords me much satisfaction to agree on behalf of the government of the United States, that henceforth trade marks of British subjects, having been duly registered in the United States of America, will be protected against infringement by such persons as come under the jurisdiction of the United States Consular Courts in China, in which effectual provision exists for the punishment of such infringements by American citizens.

I have the honor to be, my dear colleague, you obedient servant,

(sgd.) W. W. ROCKHILL.

PEKING, *June 28, 1905.*

MR. MINISTER AND DEAR COLLEAGUE: I have the honour to acknowledge the receipt of your letter of this date, informing me that you have been authorized by your Government to effect with me by an

exchange of notes an agreement for the reciprocal protection of American and British trademarks.

I beg to thank you for this communication and to assure that it affords me much satisfaction to enter into this reciprocal agreement, and henceforth protection will be afforded in China by His Britannic Majesty's Supreme Court for China and Corea and the Provincial Courts to trademarks of citizens of the United States which have been duly registered in Great Britain in conformity with "The Patents, Designs, and Trademarks Acts, 1883 to 1888."

At the same time it appears necessary to mention that the consent in writing of His Majesty's Minister or Charge d'Affaires must be obtained on each occasion, which consent will be given as a matter of course in consequence of the assurance contained in your Note under reply that effectual provision exists for the punishment in the United States Consular Courts in China of infringement, by such persons as come under the jurisdiction of those Courts, of the trademarks of British subjects which shall have been duly registered in the United States of America.

I have the honour to be, sir, your obedient servant,

(Sgd) ERNEST SATOW.

His Excellency, the Honourable W. W. ROCKHILL,
etc., etc., etc.

O

PROTECTION

OF

TRADE-MARKS IN MOROCCO.

Agreement, effected by Exchange of Notes, December 6, 1899.

TANGIER, *October 9, 1895.*

Dr. J. J. BARCLAY,
U. S. Consul-General,
Tangier.

SIR:

The question of trade marks protection has, as you are aware, formed the subject of some correspondence between Her Majesty's Legation and yourself, and as the matter has again been referred to in a recent despatch, I have received from my Government, I should feel much obliged if you would kindly inform me whether you would be disposed to enter into a similar reciprocal arrangement as that concluded between the French and this Legation. I beg leave to transmit a copy of that arrangement; and trusting that you will see your way to coming to some mutual understanding, I have the honor to be, Sir,

Your obedient, humble servant,

(signed) A. NICOLSON.

Translation.

The Count d'Aubigny, Minister of France at Tangier, to Mr. Satow, Minister of Great Britain,

TANGIER, *4th June, 1894.*

MR. MINISTER AND DEAR COLLEAGUE,

By a letter of April 3, last, you have had the kindness to inform the Charge d'Affaires of France that the French Consular authority in Morocco, has the right to prosecute through the British Consular authority everybody counterfeiting the French trade-marks, in receiving them on the following terms.

1st. That the registration of the French mark should have been effected in England, accordingly to the "merchandise marks act 1887"; 2nd. that protection on the same terms would be assured in Morocco by the French authority, to the English manufacturers. As Mr. Souhart has informed you though he was (persuaded) satisfied that the French Government was ready to grant the reciprocity in question, he thought it was his duty to refer to the Minister of Foreign Affairs. According to the reply that reached me, I am officially authorized to promise you reciprocity of treatment, and to lend on the same terms, my aid to the reclamations that the English manufacturers may have to address to the French Consular authority to obtain protection for their trade marks against French subjects.

I am Sir,

(signed) d'AUBIGNY.

TANGIER, *December 1st 1899.*

To His Excellency
SIR A. NICOLSON,
H. B. M's. Minister, etc. etc.
Tangier.

SIR:—

I have the honor to inform Y. E. that I am in receipt of Instructions from my Government, authorizing me to enter into a reciprocal agreement with Y. E. for the mutual protection of Trade-Marks registered in Great Britain and the United States against infringement in Morocco by subjects of the respective nations on the lines of that existing between the British and French Legation at Tangier. I enclose for Y. E's. further information a copy of said Instructions.

I have the honor to be, Sir
Your obedient servant,

(Signed) S. R. GUMMERE.
United States Consul-General.

BRITISH LEGATION, TANGIER.
4th December 1899.

SIR.

I have the honour to acknowledge the receipt of your letter of the 1st instant informing me that you have been authorized by your Government to enter into a reciprocal agreement with me for the mutual protection of Trade-Marks registered in Great Britain and in the United States against infringement in Morocco by the subjects of the respective nations.

I beg to thank you for this communication and to assure you that it affords me much satisfaction to enter into this reciprocal agreement, and that henceforth protection will be afforded by the British Consular Courts in Morocco to Trade-Marks of citizens of the United States, which have been duly registered in Great Britain in conformity with the Patents, Designs and Trade-Marks Acts 1883 to 1888.

I have the honour to be,
Sir,
Your obedient servant,
(signed) A. NICOLSON.

Hon. S. R. GUMMERE,
United States Consul General,
Tangier.

CONSULATE-GENERAL OF THE UNITED STATES OF AMERICA.

Tangier, December 6, 1899.

His Excellency,
Sir A. NICOLSON,
H. B. M's. Minister etc. etc.
Tangier.

SIR.

I have the honor to acknowledge receipt of Your Excellency's letter of the 4th inst. and to thank you for the agreement, that henceforth protection will be afforded by the British Consular Courts in Morocco to Trade Marks of citizens of the United States, which have been duly registered in Great Britain in conformity with the Patents, Designs and Trade Marks Acts 1883 to 1888.

In reply, it gives me great pleasure to agree, on behalf of the Government of the United States, that henceforth Trade Marks of British citizens, having been duly registered in the United States of America, will be protected against infringement by such persons as come under the jurisdiction of the United States Consular Courts of Morocco.

I am, Sir, your obedient servant

S. R. GUMMERÉ
United States Consul General

COPYRIGHT CONVENTION

BETWEEN

THE UNITED STATES AND JAPAN.

Signed at Tokio November 10, 1905.
Ratification advised by the Senate February 28, 1906.
Ratified by the President March 7, 1906.
Ratified by Japan April 28, 1906.
Ratifications exchanged at Tokio May 10, 1906.
Proclaimed May 17, 1906.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention between the United States of America and the Empire of Japan, providing for legal protection in both countries in regard to copyright, was concluded and signed by their respective Plenipotentiaries at Tokio on the tenth day of November, one thousand nine hundred and five, the original of which Convention being in the English and Japanese languages is word for word as follows:

The President of the United States of America and his Majesty the Emperor of Japan being equally desirous to extend to their subjects and citizens the benefit of legal protection in both countries in regard to copyright, have, to this end, decided to conclude a Convention, and have appointed as their respective Plenipotentiaries:

The President of the United States of America, Lloyd C. Griscom, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Japan; and

His Majesty the Emperor of Japan, General Count Taro Katsura, Junii, First Class of the Imperial Order of the Rising Sun, Third Class of the Imperial Order of the Golden Kite, His Imperial Majesty's Minister of State for Foreign Affairs;

Who, having reciprocally communicated their full powers, found in good and due form, have agreed as follows:

ARTICLE I.

The subjects or citizens of each of the two High Contracting Parties shall enjoy in the dominions of the other, the protection of copyright for their works of literature and art as well as photographs, against illegal reproduction, on the same basis on which protection is granted to the subjects or citizens of the other, subject however to the provisions of Article II of the present Convention.

ARTICLE II.

The subjects or citizens of each of the two High Contracting Parties may without authorization translate books, pamphlets or any other writings, dramatic works, and musical compositions, published in the dominions of the other by the subjects or citizens of the latter, and print and publish such translations.

ARTICLE III.

The present Convention shall be ratified, and the ratifications thereof shall be exchanged at Tokio as soon as possible. It shall come into operation from the date of the exchange of ratifications, and shall be applicable to such works only as shall be published after it shall have come into operation. Either of the Contracting Parties shall have the right at any time, to give notice to the other of its intention to terminate the present Convention, and at the expiration of three months after such notice is given this Convention shall wholly cease and determine.

In witness whereof the above mentioned Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done in duplicate at Tokio, in the English and Japanese languages, this 10th day of November, of year one thousand nine hundred and five, corresponding to the 10th day of the 11th month of the 38th year of Meiji.

[SEAL.] LLOYD C. GRISCOM.
[SEAL.] TARO KATSURA.

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Tokio on the tenth day of May, one thousand nine hundred and six;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this seventeenth day of
[SEAL] May, in the year of our Lord one thousand nine hundred and six, and of the Independence of the United States of America the one hundred and thirtieth.

THEODORE ROOSEVELT

By the President:
ELIHU ROOT
Secretary of State.

[Japanese text not printed.]

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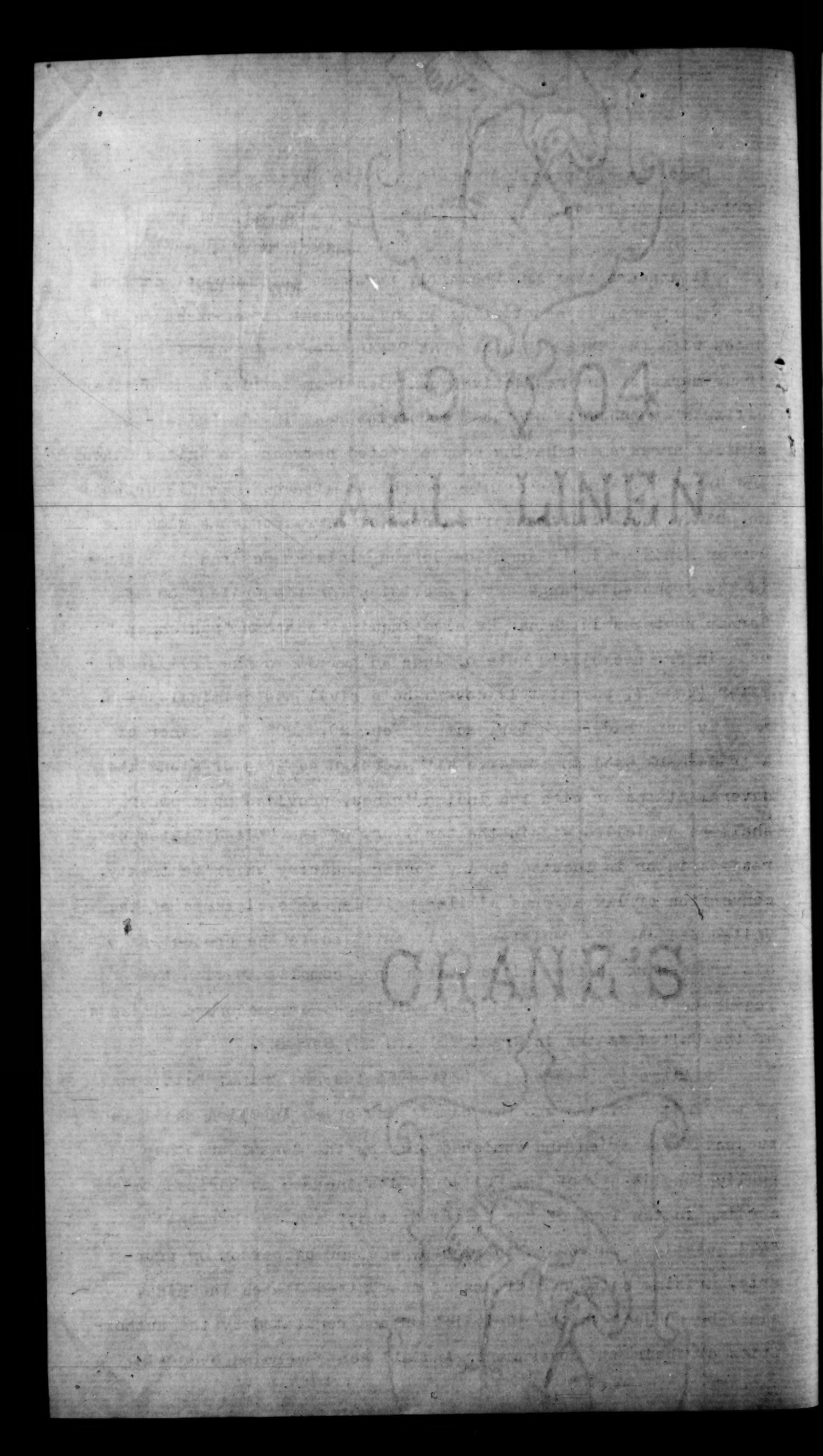
Memo. on Reciprocal Arrangement with Germany for Mutual Protection of Trade Marks in China.

Secretary of State
ASSISTANT SECRETARY
NOV 3 1905

It appears that Mr. Rockhill, pursuant to instructions from the Department, is negotiating an arrangement by an exchange of notes with the German Minister at Peking for the protection of trade-marks of the respective countries from infringement by the citizens or subjects of those countries residing in China - a similar arrangement having been effected between the United States and Great Britain (see printed pamphlets attached.) In his despatch No. 95 Mr. Rockhill transmits a copy of correspondence with the German Minister in Peking. The German Minister desires to include in the proposed arrangement a provision for the protection of German "proteges" in China. He also inquires whether "punishment" used in Mr. Rockhill's note of June 28th last to the British Minister (page 3, pamphlet 1) covers both civil and criminal suits.

By our trade-mark law, act of Feb. 20, 1905, the owner of a trade-mark used in commerce with foreign nations or among the several States or with the Indian tribes, provided such owner shall be domiciled within the territory of the United States, or resides in or is located in any foreign country which by treaty, convention or law affords similar privileges to citizens of the United States, may register and is entitled to the protection of his trade-mark in the United States upon compliance with the requirements of the act. Similar privileges are accorded citizens of the United States in Great Britain and Germany.

By treaty between the United States and China, "citizens of the United States who may commit any crime in China shall be subject to be tried and punished only by the Consul or other public functionary of the United States thereto authorized according to the laws of the United States;" and further that "all questions in regard to rights, whether of person or property, arising between citizens of the United States in China, shall be subject to the jurisdiction, and regulated by the authorities of their own government. And all controversies occurring


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in China between citizens of the United States and subjects of any other government shall be regulated by the treaties existing between the United States and such governments respectively, without interference on the part of China."

To carry into effect the provisions of our treaties with China, by sections 4083 et seq. of the Revised Statutes our Minister and Consuls in that country are invested with judicial authority. They are empowered to arraign and try all citizens of the United States charged with offences against law committed in China and are invested with all the judicial authority necessary to execute the provisions of such treaties respectively in regard to civil rights, whether of person or property, jurisdiction in both criminal and civil matters to be exercised and enforced in conformity with the laws of the United States , which are, as far as necessary to execute such treaties, "extended over all citizens of the United States in those countries and over all others to the extent that the terms of the treaties respectively justify or require."

Our trade-mark law (sec. 16, act of Feb. 20, 1905) makes provision for the bringing of an action for damages by the owner of a trade-mark registered under the act, against any person who, without the consent of the owner, reproduces, counterfeits, copies or imitates such trade-mark, etc. Section 19 provides for the obtaining of injunctions to prevent the violation of any right of the owner of a registered trade-mark and declares that upon a decree being rendered for the wrongful use of a trade-mark, the owner shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages sustained. Section 25 declares that any person who shall procure the registration of a trade-mark or entry thereof in the office of the commissioner of patents by a false or fraudulent declaration or representation, or by any false means, shall be liable to pay any damages sustained in consequence thereof to the injured party, to be recovered by an action on the case.

There is, however, no statute of the United States making

TELEGRAM RECEIVED IN CIPHER

the infringement, counterfeiting, etc., of a trade-mark criminal. It seems to me, therefore, that the word "punishment" should not be used in the draft of notes to be exchanged. The language employed in the exchange of notes concerning protection of trade-marks in Morocco, viz., that "henceforth trade-marks of British citizens, having been duly registered in the United States of America, will be protected against infringement", etc. or similar language should be used. (I. pamphlet No. 2.) ¶ For your convenient use, I am enclosing herewith three pamphlets entitled "United States and Great Britain. — Protection of trade-marks in Morocco. — Treaties, etc., effected by exchange of notes, Dec. 6, 1899."

As the United States has no "proteges" in China, and as, under our treaties with China and the laws passed to carry them into effect there would appear to be no authority for subjecting "proteges" to the consular jurisdiction, ~~Mr. Rockhill~~ you should inform the German Minister that this Government is unable to include "Schutzgenossen", or "proteges", within the scope of the proposed arrangement. Mr. Rockhill asks that a reply be cabled him. I suggest the following, if it meets your approval:

"Infringement of trade-marks is not made criminal by our law, but ample provision is made therein by injunction and civil suit for damages for protection against infringement. Cannot include "proteges" within scope of arrangement. as we find that matter is unknown to our laws and treaties with China

F. V.

Assistant Solicitor,
NOV 1 1905
Department of State

Office of the Assistant Solicitor.

Nov. 4/05

Dear Mr. Smith:

Dealt with this as indicated in my mems. and Secretary Root's addition at end. sending cable and subsequence of in confirming embody 1 last two or three paragraphs which the Secy has marked.

F. V.

BUREAU OF APPOINTMENTS
DEC 3 1905
Department of State.

RECEIVED
DEC 4 1905
DIPLOMATIC BUREAU DEPT. OF STATE.

TELEGRAM RECEIVED IN CIPHER.

From Peking,

Dec.3,1905.

Rec'd 7.01 a.m.

Answer by cable Dec 4. acted Dec 6 -

The Secretary of State,

Washington.

Dec.3,11 a.m.

Consul-General Lay reports from Lien-Chou the result of joint investigation. So far,three or four of the persons under arrest are probably guilty,and others implicated. In view of the large size of the mob taking part in massacres,Lay recommends light punishment for those slightly implicated;asks to remain to witness executions. He says he has ascertained cause of riot and massacre, responsibility for them,and approximate value of property destroyed. Shall I instruct Lay,as he wishes? Unquestionably prompt punishment of the guilty will impress population. Have instructed already question of indemnification is reserved till Department ordefs and Presbyterian Board demands are known,and that for the present he must see that Chinese authorities administer full justice.

ROCKHILL.

Deciphered at White House.

Instructs you as contained in Department's telegram to Lay

RECEIVED JAN 16 1906 DIPLOMATIC BUR. DEPT. S.

DEPT OF STATE JAN 16 1906 2ND ASST SECRETARY

DIPLOMATIC BUREAU.

To Secy of War, referring to his communication on the subject last October.

Ack.

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Asked verbally by Mr. Loeb Jan 23 /06

No. 161.

December 4, 1905.

CHIEF CLERK JAN 16 1906 DEPARTMENT OF STATE.

Mr. Rockhill to the Secretary of State.

Subject:

Acknowledging Department Instruction No. 64 concerning the matter of precedence at the Imperial Audience granted on September 14, 1905, to Miss Roosevelt.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 161.
RJ.

December 4, 1905.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to acknowledge the receipt of your instruction No.64 of the 18th October concerning the precedence given to a Rear Admiral of the Navy over a Major General of the Army at the Audience granted on September 14th last by Their Majesties the Empress Dowager and Emperor of China to Miss Roosevelt.

I deeply regret that any mistake as to relative precedence among any of the gentlemen present on the occasion should have occurred, and your instruction will be carefully adhered to. The problem was a rather difficult one for me to solve. Admirals commanding-in-chief squadrons on the China station are held by the Chinese Government to have the right to ask an Imperial Audience on their first visit to this Capital. I assumed therefore that the Admiral was a member of the official representation of the United States in China and should in that capacity be given precedence before the Chinese over distinguished American visitors who were without representative character in China.

I am, Sir,

Your obedient servant,

W. W. Rockhill

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No. 162. December 5, 1905.

Mr. Rockhill to the Secretary of State.

Subject:

Murder of Missionaries at Lien Chou.

Confirming telegram sent December 3, 1905, and acknowledging receipt of reply thereto dated December 5, 1905.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 162
J.

December 5, 1905.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r:

I have the honor to confirm my telegram to you under date of December 3rd, and your reply thereto received this date, as follows:

"Secstate,
Washington.

December three, Eleven A.M. Consul General Lay reports from Lien Chou the result of joint investigation so far. Three or four of the persons under arrest are probably guilty and others implicated. In view of the large size of the mob taking part in the massacre Lay recommends light punishment for those slightly implicated asks to remain to witness executions. He says he has ascertained cause of riot and massacre responsibility for them and approximate value of property destroyed. Shall I instruct Lay as he wishes. Unquestionably prompt punishment of the guilty will impress population. Have instructed him already question of indemnification is reserved until Department orders and Presbyterian Board demands are known and that for the present he must see that Chinese authorities administer full justice.

Rockhill."

"Amlegation,

Peking.

Unless you see reasons to contrary instruct Lay as he wishes.

Root."

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill.

RECEIVED
JAN 17 1906
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DEPT OF STATE
JAN 16 1906
ASST SECRETARY

DIPLOMATIC BUREAU.

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No. 163. December 5, 1905.

CHIEF CLERK
JAN 16 1906
DEPARTMENT OF STATE.

FOR RELS. 1905.

Mr. Rockhill to the Secretary of State.

Subject:

Informing of an arrangement made with the Charge d'Affaires of Belgium for the reciprocal protection of trade marks in China.

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MAR 22 1906
FILED

No. 163.
RJ.

AMERICAN LEGATION,
PEKING, CHINA.

December 5, 1905.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

FOR RELS. 1905.

S i r :

Referring to my despatch No. 130 of October 26th, 1905, informing you that I had effected an agreement with the Dutch Minister for the reciprocal protection of trade marks in China, I now have the honor to inform you that on November 27th last a similar agreement was made with the Chargé d'Affaires of Belgium.

/2/ I have the honor to enclose herewith copies of the notes exchanged with the Belgian representative.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1. Mr. Rockhill to Mr. de Prelle, November 27, 1905.
2. Mr. de Prelle to Mr. Rockhill, November 27, 1905.

(Enclosure No. 1 in Desp. No. 163.)

November 27, 1905.

Mr. de Prelle de la Nieppe,

etc. etc. etc.

Mr. Charge d'Affaires and dear Colleague:

The Government of the United States being desirous of reaching an understanding with the Government of Belgium for the reciprocal protection against infringement in China by citizens of our respective nations of trade marks duly registered in the United States and Belgium, I am authorized by the Secretary of State of the United States to inform you that effectual provision exists in American Consular Courts in China for the trial and punishment of all persons subject to the jurisdiction of the United States who may be charged with and found guilty of infringing in any way trade marks of persons subject to the jurisdiction of Belgium which have been duly registered in the United States.

I beg that you will kindly inform me whether American citizens are entitled to the same legal remedies in the Consular Courts of Belgium in China as regards the protection from infringement of their trade marks duly registered in Belgium.

I have the honor to be, my dear Colleague,

Your obedient servant,

(Signed) W. W. ROCKHILL.

Mr. de Prelle de la Nieppe,

etc. etc. etc.

Charge d'Affaires of Belgium,

Belgian Legation.

(Enclosure No. 1 in Desp. No. 163.)

November 27, 1909.

Mr. de Prelle de la Nieppe,

etc. etc. etc.

Mr. Chargé d'Affaires and dear Colleague:

The Government of the United States being desirous of reaching an understanding with the Government of Belgium for the reciprocal protection against infringement in China by citizens of our respective nations of trade marks duly registered in the United States and Belgium, I am authorized by the Secretary of State of the United States to inform you that effectual provision exists in American Consular Courts in China for the trial and punishment of all persons subject to the jurisdiction of the United States who may be charged with and found guilty of infringing in any way trade marks of persons subject to the jurisdiction of Belgium which have been duly registered in the United States.

I beg that you will kindly inform me whether Americans citizens are entitled to the same legal remedies in the Consular Courts of Belgium in China as regards the protection from infringement of their trade marks duly registered in Belgium.

I have the honor to be, my dear Colleague,

Your obedient servant,

(Signed) W. W. ROCKHILL.

Mr. de Prelle de la Nieppe,

etc. etc. etc.

Chargé d'Affaires of Belgium,

Belgian Legation.

(Enclosure No. 2 in Desp. No. 163)

November 27, 1905.

(TRANSLATION)

Mr. Minister:

I have had the honor of receiving Your Excellency's note of this date regarding the mutual protection of Belgian and American trade marks in China.

It is stated in this communication that the Government of the United States of America has given such instructions to the American Consular Courts as are sufficient to insure the legal protection of trade marks the property of Belgian subjects which have been duly registered in the United States.

While acknowledging to Your Excellency the receipt of this communication I have the honor to inform you that the Royal Government in like manner guarantees in the Chinese Empire the protection of American trade marks duly registered in Belgium, if counterfeited by Belgian subjects.

The Royal Legation and the Consulates, Vice Consulates and Consular Agencies in China are competent to take cognizance of actions brought before them in the matter.

I have informed our Consular representatives in China of the agreement arrived at between Belgium and the United States of America which is set forth by this interchange of correspondence between us.

I avail myself of this occasion to present to Your Excellency the assurance of my high esteem.

(Signed) EDM. DE PRELLE.

His Excellency

W. W. Rockhill,

etc. etc. etc.

American Legation.

(Enclosure No. 2 in Desp. No. 1643)

November 27, 1908.

(TRANSLATION)

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(Signed) MTM. DE FRELIN.

His Excellency

W. W. Rockhill,

etc. etc. etc.

American Legation.

Secretary of State,
JAN 18 1906

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JAN
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ASSISTANT SECRETARY,
JAN 17 1906

No. 164

December 5, 1905.

CHIEF CLERK
JAN
18
1906
DEPARTMENT
OF STATE.

Mr. Rockhill to the Secretary of State.

Subject:

The anti-American boycott.

Enclosing copy of a despatch to the Foreign Office complaining of the remissness of the Viceroy of the Two Kuang Provinces in not taking sufficiently emphatic action to suppress.

Memo for the Secretary Mr. Loeb

Secretary of State.
JAN 18 1906

Rockhill's despatch has a
ring to it and I do not see any evidence
of his having become too pro Chinese
as some people think

RB

CHIEF CLERK
MAY
26
1906
DEPT. OF STATE

Ans C.C.
report on

No. 164.
RJ.

AMERICAN LEGATION,
PEKING, CHINA.

December 5, 1905.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to transmit herewith copy of a note I presented yesterday to the Vice President of the Wai-wu Pu concerning the continued remissness of the Viceroy of the Two Kuang Provinces in not taking sufficiently emphatic action to arrest the present anti-American agitation, and formally protesting against the ambiguous terms this Viceroy is using in his proclamations to the people of Canton Province concerning the scope of the negotiations which he claims are pending with the United States for the revision of the Chinese exclusion treaty. By the introduction into public documents on this matter of phrases which tend to create among the Chinese the belief that the United States has to some extent, through the President, pledged itself to recall the laws excluding Chinese laborers, this Viceroy, who has unquestionably been showing sympathy with this agitation against us, and of whom I am therefore naturally suspicious, tends to raise hopes in the minds of the Chinese which are doomed to come to disappointment and to thereby increase the feeling of hostility against us.

I enclose also a copy of a memorandum of my conversation with the Vice President of the Wai-wu Pu.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

December 8, 1900.

Enclosures:

1. Mr. Rockhill to the Prince of Ch'ing, December 4, 1905.

2. Memorandum of Conversation with Na-tung, December 4, 1905.

Enclosure No. 1 in Despatch No. 164

December 4, 1905.

Your Imperial Highness:

I have the honor to call the attention of Your Imperial Highness to the unwarranted and mischievous statements of the Viceroy of the Two Kuang Provinces both in his proclamation of November 4th regarding the boycott agitation in his provinces and in a recent dispatch to the American Consul General at Canton with reference to the same subject. In the latter, dated November 14th, he says:

"As to the boycott movement in general, the local authorities are able only to prevent gatherings and public speeches, and to forbit the printing and circulation of placards and inflammatory and threatening literature. In regard to the prefer ences of the merchants as to which country's goods they will buy and as to the men with whom they will deal, that is in the power of every man to decide for himself. Most certainly they cannot be compelled by the force of authority to make a particular choice. Your Honor is thoroughly acquainted with the principles of things and certainly ought to see that this is as it should be.

I have received your repeated communications to the effect that the President of the United States has issued a special proclamation requiring the favorable treatment of Chinese and has instructed Congress on its meeting in December of this year to amend the oppressive laws prohibiting coolie (immigration). This gives me great pleasure, and, as the time is at hand, I only hope that you will communicate to your Government a detailed statement showing the importance of an early and peaceful adjustment of this matter, thus really fulfilling its promise to amend the laws. The boycott will then subside of itself without measures for its repression."

I have had occasion heretofore, on October 3rd and October 30th, to complain to Your Imperial Highness of the ill-concealed sympathy of the Viceroy at Canton with the boycott, and his statement, quoted above, that merchants cannot be compelled by force to purchase goods of any particular nationality, is further proof of his unwillingness to suppress this anti-American movement.

Americans have never asked that men be compelled by force to deal with them, but that the organized attempt to destroy their business by terrorizing those who wish to deal with them shall be suppressed. This the Viceroy can do, for it has

already been done by other Viceroys, in whose jurisdiction trade has resumed its normal conditions.

Even more mischievous, however, is the mis-statement of the Viceroy that the President has instructed Congress to change in December 1905 the oppressive laws regarding coolie immigration, and that the Consul General should report in detail to the Government and have it keep this promise.

Your Imperial Highness knows well that the question of amending the laws with regard to the immigration of Chinese laborers has never been under discussion. China has never asked for it, nor has the President nor any responsible officer of the American Government ever promised it. The several drafts of the proposed Immigration Treaty, both those submitted by Your Highness' Government and those prepared by the Government of the United States, all recognize that the immigration of Chinese laborers into the United States is to be prohibited. Under no circumstances can that prohibition be removed.

Complaints were made by China of the harsh treatment of other classes of Chinese, and the President issued a proclamation directing that such persons should be treated with fairness but in the same proclamation, sent you on August 28th, he expressly declares that all skilled and unskilled laborers are prohibited coming to the United States, and that they must continue to be strictly excluded.

As Your Highness well knows, the President of the United States cannot instruct Congress how it shall legislate; he can only recommend legislation. But he has never promised to recommend any legislation changing the laws with regard to the immigration of Chinese laborers.

In the President's letter, an extract from which was sent you on October 31st, he declares that the American Government

already been done by other Viceroys, in whose jurisdiction trade has resumed its normal conditions.

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In the President's letter, an extract from which was sent you on October 31st, he declares that the American Government

desires to treat China justly, but that he cannot tolerate any injustice from China.

The Viceroy at Canton in his proclamation of November 4th 1905 mis-quotes the statement of the President as to the desire of the American Government to treat China justly, and puts into his words a promise to give favorable treatment to Chinese persons coming to the United States, which can only cause Chinese laborers to believe that he has promised them admission. The Viceroy says further in the same proclamation, and without any authority whatever, that the President has promised to change the laws referred to. He thus by misrepresentation tries to pledge the American Government to a revision of the laws excluding Chinese laborers, knowing that no such promise has been given and that his proclamation will awaken hopes that are doomed to disappointment. It would seem as though he were bent on making trouble between the two countries. The people of Canton are now asking for the admission of Chinese laborers to the United States, and in this are raising a question which has not been under discussion between our governments, and one, moreover, which cannot be a subject of discussion. Tet on reading the Viceroy's proclamation such people will be encouraged in the belief that their demands can be granted, which belief is wholly unwarranted.

Such a misrepresentation as this may have the most serious consequences, and it is my duty to protest most emphatically against it. I have repeatedly said to Your Imperial Highness both in our interviews with regard to the proposed Treaty of Immigration and in my despatches on the same subject that the United States Government would insist upon the absolute prohibition of the immigration into its territories of Chinese laborers, and I wish to state again distinctly that no such promise as is implied in the Viceroy's despatch and in his proclamation

desires to treat China justly, but that he cannot tolerate any injustice from China.

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that the law respecting coolie immigration will be changed, has ever been made by the Government of the United States, and that no such promise will be made.

This action of the Viceroy can only be construed as one decidedly unfriendly to the United States.

His neglect hitherto to suppress the anti-American agitation has already, apparently, resulted in one horrible massacre, and so long as he issues proclamations which misrepresent the attitude of the United States and bases his orders to the populace to avoid violence upon promises never made by the American Government, and so long as he continues to wink at the boycott and excuses himself with such irrelevant statements as that the authorities cannot by force compel men to buy American goods, so long we may expect to see disprder continue in his Provinces and to hear of further outrages upon American citizens.

Indeed, I am already in receipt of reports of further attacks upon American missions, and these reports confirm me in the belief that the Viceroy's obedience to the Imperial Edict is wholly perfunctory and that his real attitude is well understood by the people.

I have already more than once informed Your Imperial Highness that the American Government will hold the Imperial Government of China responsible for all damages, pecuniary or otherwise, resulting from this unreasonable attack upon American trade. I repeat this statement once more, and I have the honor to assure Your Imperial Highness that my Government is thoroughly in earnest in the intention thus expressed.

I avail myself of this opportunity to renew to Your Imperial Highness the assurance of my highest consideration.

(Signed) W. W. ROCKHILL,

etc. etc.

To His Imperial Highness, Prince of Ch'ing,
President of the Board of Foreign Affairs.

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(Signed) W. W. ROCKHILL.

etc. etc. etc.

To His Imperial Highness, Prince of Ch'ing,
President of the Board of Foreign Affairs.

Enclosure No. 2, in Desp. No. 164.

Memorandum of Conversation between H.E. Na-t'ung, Associate President of the Board of Foreign Affairs, the Hon. W. W. Rockhill, American Minister, - at the Yamen of Foreign Affairs, Dec. 4, 1905.

Mr. R.- I have called this afternoon to discuss an old question with Your Excellency: that of the boycott of American goods in the Two Kuang Provinces. In a recent despatch concerning this subject, written to the American Consul at Canton, by the Viceroy, the latter made some mis-statements which might lead to serious consequences. His language is sometimes vague and sometimes ambiguous, and cannot but be mis-leading.

N.- Have you prepared any statement in writing?

R.- I have a despatch with me which I will leave with Your Excellency when I have done with the few remarks I wish to make. In his despatch (and a recent proclamation) the Viceroy raises a question which has not been under discussion between our two Governments, intimating that the laws prohibiting the immigration of Chinese laborers into the United States are to be amended. His attitude toward this question makes me believe that he does not sympathize with the purpose of the Imperial Government to suppress the boycott. This belief is strengthened by the tone of various letters which I have received from the South, reporting speeches and articles originating with the Chinese people of that region, which show that they believe that the laws prohibiting the immigration of Chinese laborers into the U.S. are to be amended.

N.- The Viceroy is responsible for good order in his Provinces and would not dare to oppose the central government. Besides, he has issued proclamations warning the people against disorder and urging the abandonment of the boycott.

R.- That is quite true, and so far as the last proclamation is concerned his language is sufficiently strong in its prohibition of disorder, but he mis-represents the attitude of the American Government, implying that it has promised to admit Chinese laborers as well as other Chinese to the United States. In his despatch to the Consul General he says that the President has ordered Congress to change the laws with regard to the admission of Chinese laborers. I have quoted several statements from his despatch and proclamation in the note which I am leaving with Your Excellency.

N.- Let me see the note.

(Mr. R. hands it to him, and he reads.)

N.- Who are the other Viceroys referred to?

R.- His Excellency Yüan, in particular, and in a lesser degree His Excellency Chou Fu has also succeeded in suppressing the boycott.

N.- Yes; Chou Fu has done very well at Shanghai.

(After reading the statement that the Viceroy had misquoted the President's language regarding the desire of the American Government to treat China justly, he consulted the Proclamation.)

N.- The Viceroy's language can hardly be called a mis-quotation. His statement that the President has agreed to change the harsh laws refers simply to the expression used by the President that the American Government desired to treat China justly, and the statement of the Viceroy that the President had agreed to favorable treatment of Chinese going to the United States does not necessarily imply that laborers going to the United States would receive such treatment. He does not use the word "laborers".

R.- It is true that he does not use the word 'laborers', but the expression "Chinese going to the United States" does not exclude laborers and no one can affirm that Chinese laborers might not proceed thither, basing their hope of admission upon this statement of the Viceroy. His language is misleading.

N.- I do not think the Chinese laborers will misunderstand it.

R.- I hardly think the Chinese laborers of Canton are so intelligent as not to be mislead by it. I feel sure that, if such a proclamation were to be issued in the United States people would be apt to interpret it in harmony with their own desires, and read into it the meaning which they might desire to find there.

N.- But in all discussions in regard to the admission of Chinese into the United States a clear distinction has been made between laborers and other classes, and when laborers are referred to they are mentioned specifically. The words "Chinese persons" are well understood to refer only to other classes. It is true that if they were referred to as going to other countries no such distinction would be made, but in reference to the United States the distinction would be made.

R.- I do not know a great deal about the Chinese written language, but I do know that, if one wants to be clear and definite, he can make himself so, and that if he wants to be ambiguous, it is easy to be so in Chinese.

N.- The Viceroy's language is rather comprehensive, but it is customary in proclamations to quote loosely, giving the general sense. I do not think any fault can be found with the Viceroy's proclamation.

R.- The time is a very critical one. Congress will meet the day after tomorrow, and the President will undoubtedly lay the question before it, but it may require a great deal of time to secure legislation, and, if the people have been misled by the Viceroy's statements, they may grow restive when they see their hopes unfulfilled, and serious consequences may result. It is not a time for vagueness or ambiguity; all official procla-

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mations should be expressed in clear terms. If it were not for the fact that the people of Canton have been demanding the admission of laborers I would not attach so much importance to the Viceroy's misstatement, but he seems to be supporting their contention, and too much care cannot be taken in the matter. I knew the Viceroy many years ago, when he was Governor of Shansi, and I have watched his career with admiration. I have noted with what a strong hand he put down the rebellion in Kuanghsi, and I know that he is a man of great abilities and strong character, and that if he really desires anything accomplished he can accomplish it. If he really desired to suppress the boycott, he could have done so long ago. That he has not done so proves to me his sympathy with the movement. His ambiguous language in his despatches and proclamations seems to indicate the same thing.

N.- The Viceroy is responsible for the proper administration of his Provinces, and I do not think he would be so foolish as to get himself into trouble. I shall show your despatch to the Prince and talk the matter over with him. Probably a note will be sent to the Viceroy cautioning him and directing him to be more explicit in the future.

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Memorandum for the Secretary:

Secretary of State.
MAY 26 1906

Mr. Rockhill's despatch No. 164, of December 5, ~~deals~~ with the sympathy of the Viceroy at Canton with the boycott. In the Minister's despatch to the Foreign Office of the 4th December (enclosed in above despatch) he accuses the Viceroy of making mischievous misstatements as to the President's attitude, calculated to lead Chinese laborers to expect to be admitted to the United States, the disappointment of which expectation (which is inevitable) may have serious consequences.

The Viceroy seems to be, from the Minister's despatch to the Foreign Office, holding the boycott over American trade as a lever to secure free immigration of laborers. This appears plainly from his letter to the U. S. Consul-General at Canton. Mr. Rockhill says to the Foreign Office: " His neglect hitherto to suppress the anti-American agitation has already, apparently, resulted in one horrible massacre " and adds that so long as the Viceroy continues in his present course of winking at the boycott and excusing himself with irrelevant statements, disorders and further outrages on Americans are to be expected.

To use such language to the Chinese Government and then to follow it up in no way is the worst possible policy. It indicates the acquiescence of the U. S. Government in the condition of things as painted by its own representative.

The recent instructions to Mr. Rockhill stating that the question of demanding the Viceroy's degradation would be held in consideration, pending the result of the Viceroy's alleged efforts to establish good relations with America, seem further justified by this despatch.

Jan. 23. 1906. Chas. Denby.

RECEIVED JAN 17 1906 DIPLOMATIC BUR. DEPT. OF STATE.
DEP'T OF STATE JAN 16 1906 2ND ASSISTANT SECRETARY
DIPLOMATIC BUREAU.
To Interior Dept.
Ack.
Forwarded to Interior Dept. Jan. 17 06.
INDEX BUREAU REC'D JAN 16 1906 DEPT. OF STATE
CHIEF CLERK JAN 16 DEPARTMENT OF STATE.

No. 165.

December 6, 1905.

FOR RELS. 1905

Mr. Rockhill to the Secretary of State.

Subject:

Informing of an arrangement made with the German Minister for the reciprocal protection of trade marks in China.

INDEX BUREAU FILED

No. 165
J.

AMERICAN LEGATION,
PEKING, CHINA.

December 6, 1905.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

FOR RELS. 1905

S i r :

Referring to my despatch No. 163 of December 5th, 1905, informing you that I had effected an agreement with the Chargé d'Affaires of Belgium for the reciprocal protection of trade marks in China, I now have the honor to inform you that I have this date made a similar arrangement with the German Minister.

1/2/ I have the honor to enclose herewith copies of the notes exchanged with the German Minister.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1. Mr. Rockhill to Baron von Mumm, December 6, 1905.
2. Baron von Mumm to Mr. Rockhill, December 6, 1905.

Enclosure No. 1 in Desp. No. 165

December 6, 1905.

His Excellency, Baron von Mumm,

etc. etc. etc.

German Envoy Extraordinary and Minister Plenipotentiary.

Mr. Minister and dear Colleague:

The Government of the United States being desirous of reaching an understanding with the Government of Germany for the reciprocal protection against infringement in China by citizens and subjects of our respective nations of trade marks duly registered in the United States and Germany, I am authorized by the Secretary of State of the United States to inform you that effectual provision exists in American Consular Courts in China for the trial and punishment of all persons subject to the jurisdiction of the United States who may be charged with and found guilty of infringing in any way trade marks of persons subject to the jurisdiction of Germany which have been duly registered in the United States.

I beg that you will kindly inform me whether American citizens are entitled to the same legal remedies in the Consular Courts of Germany in China as regards the protection from infringement of their trade marks duly registered in Germany.

I have the honor to be,

Mr. Minister and dear Colleague,

Your obedient servant,

(Signed) W. W. ROCKHILL.

His Excellency, Baron von Mumm,

etc. etc. etc.

German Legation, Peking.

Enclosure No. 1 in Desp. No. 765

December 6, 1905.

His Excellency, Baron von Mumm,

etc. etc. etc.

German Envoy Extraordinary and Minister Plenipotentiary.

Mr. Minister and dear Colleague:

The Government of the United States being desirous of reaching an understanding with the Government of Germany for the reciprocal protection against infringement in China by citizens and subjects of our respective nations of trade marks duly registered in the United States and Germany, I am authorized by the Secretary of State of the United States to inform you that effectual provision exists in American Consular Courts in China for the trial and punishment of all persons subject to the jurisdiction of the United States who may be charged with and found guilty of infringing in any way trade marks of persons subject to the jurisdiction of Germany which have been duly registered in the United States.

I beg that you will kindly inform me whether American citizens are entitled to the same legal remedies in the Consular Courts of Germany in China as regards the protection from infringement of their trade marks duly registered in Germany.

I have the honor to be,

Mr. Minister and dear Colleague,

Your obedient servant,

(Signed) W. W. ROCKHILL.

His Excellency, Baron von Mumm,

etc. etc. etc.

German Legation, Peking.

Enclosure No. 2, in Desp. No. 165.
(Translation)

IMPERIAL GERMAN LEGATION.

Peking, December 6, 1905.

Mr. Minister:

I have the honor to acknowledge the receipt of your letter of this date informing me that you have been authorized by your Government to effect with me, by an exchange of notes, an agreement for the reciprocal protection against infringement in China by citizens and subjects of our respective nations of trade marks duly registered in Germany and the United States.

You furthermore inform me that effectual provision exists in American Consular Courts in China for the trial and punishment of all persons subject to the jurisdiction of the United States who may be charged with and found guilty of infringing in any way trade marks of persons subject to the jurisdiction of Germany which have been duly registered in the United States.

I have the honor to inform you in reply that I have been authorized by the Chancellor of the German Empire to enter into this reciprocal agreement, and to state that German Consular Courts in China are empowered under the German law for the protection of trade marks of May 12th, 1894, to prosecute and punish all persons subject to their jurisdiction for infringement of trade marks the property of persons coming under the jurisdiction of the United States when duly registered in Germany.

Furthermore, for the purpose of putting this arrangement into effect, I am authorized and ready to instruct the German Consular representatives in China in accordance therewith, subject to your taking similar action.

I avail myself of this opportunity to renew the assurances of my highest consideration.

(Signed) A. v. MUMM.

Hon. W. W. Rockhill,
Envoy Extraordinary and Minister Plenipotentiary
of the United States of America.

Enclosure No. 2, in Desp. No. 455.
(Translation)

IMPERIAL GERMAN LEGATION.

Peking, December 6, 1905.

Sir. Minister:

I have the honor to acknowledge the receipt of your letter of this date informing me that you have been authorized by your Government to effect with me, by an exchange of notes, an agreement for the reciprocal protection against infringement in China by citizens and subjects of our respective nations of trade marks duly registered in Germany and the United States.

You furthermore inform me that effectual provision exists in American Consular Courts in China for the trial and punishment of all persons subject to the jurisdiction of the United States who may be charged with and found guilty of infringing in any way trade marks of persons subject to the jurisdiction of Germany which have been duly registered in the United States.

I have the honor to inform you in reply that I have been authorized by the Chancellor of the German Empire to enter into this reciprocal agreement, and to state that German Consular Courts in China are empowered under the German law for the protection of trade marks of May 12th, 1894, to prosecute and punish all persons subject to their jurisdiction for infringement of trade marks the property of persons coming under the jurisdiction of the United States when duly registered in Germany.

Furthermore, for the purpose of putting this arrangement into effect, I am authorized and ready to instruct the German Consular representatives in China in accordance therewith, subject to your taking similar action.

I avail myself of this opportunity to renew the assurances of my highest consideration.

(Signed) A. v. MUMM,

Hon. W. W. Rockhill,

Envoy Extraordinary and Minister Plenipotentiary

of the United States of America.

RECEIVED
JAN 17 1906
DIPLOMATIC BUREAU DEPT. OF STATE.

INDEX BUREAU
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JAN
1906
DEPT. OF STATE

ASSISTANT SECRETARY.
JAN 16 1906

Acknd personally Jan. 23

No. 166. December 8, 1905.

CHIEF CLERK
JAN
1906
DEPARTMENT
OF STATE.

Mr. Rockhill to the Secretary of State.

Subject:

Construction and management of railways in China by native authorities.

INDEX BUREAU
JAN 23 1906
FILED

No. 166.
RJ.

AMERICAN LEGATION,
PEKING, CHINA.

December 8, 1905.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

In further reference to the matter of the building and management of railways in China by the native authorities, which I have had the honor to mention frequently in certain despatches, I enclose herewith in translation a Memorial from the Viceroy of this Province, Yuan Shih-k'ai, on the cost of the road now being built from Peking to Chang-chia Kou (Kalgan) at the foot of the Mongolian plateau and on the great highway of traffic across Eastern Mongolia to Siberia (Kiakhta).

Several times during the past seven years it has been reported that the Russians sought to secure the concession for this line, but China refused to grant it.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:

1. Clipping from "China Times"(Tientsin) of December 12th, 1905.

Enclosure in Desp. No. 166.

Endorse

LEGATION OF THE UNITED STATES OF AMERICA,
PEKING, CHINA.

The Peking-Kalgan Railway.

TO BE PAID FOR BY THE TIENTSIN LINE.

H. E. Viceroy Yuan Shih-kai has memorialised the Throne concerning the total amount required for the construction of the Peking-Kalgan railway. He states that, according to the joint report made to him by Taotais Cheng Chao-chang and Chan Tien-yu, Director and Engineer in Chief respectively, the line will start from Feng-tai to Chang-chia Kou (Kalgan) via Chu-yung Kuan and and Pa-ta Ling, about 360 li. The whole line is divided into three sections, the first from Feng-tai through the Chang-yi Men City gate (Peking) to Nan-Kou, which is exactly 104 li. Here the route is rather level, and only some small bridges are to be constructed. The second section from Nan-kou through Kuan-kou to Cha-tao Cheng, 33 li in length, is regarded as the most difficult part of the line, because the the Pa-ta Ling hill is over 180 chang, high (one chang equals 10 Chinese feet). A big tunnel must be bored through the hill. The third section is from Cha-tao Cheng through Huai-lai and and Hsuan-hua to Chang-chia Kou, a distance of about 223 li. The soil along this section is fertile, consisting chiefly of orchards and plantations, so that the price of land will be much higher than in the first and second sections. The Chang-chia Kou station of this line will be built at Yuan-tze on the other side of the river, because it is very hard to buy a suitable piece of land in the business centre of the town, which is thinkly populated.

The total expenditure is estimated to be about Tls. 7,291,860, or Tls. 2,291,860 higher than the rough estimate of one of the foreign engineers of the I. R. of N. C., who did not include the cost of rolling stock and the pay of the company's staff for four years which will together absorb about Tls. 1,500,000.

The business of the I. R. of N. C.* has been very prosperous during recent years, so the above named sum of Tls. 7,291,860 will be drawn from the annual profit of the administration by instalments during the next four years.

An Imperial Rescript commands the Wai-wu-pu and Shang Pu (Boards of Foreign and Commercial Affairs respectively) to note this memorial for future reference.

China Times (Tientsin).
7/12.05

* Imperial Railway of North China. It runs from Shan-hai-kuan-via Tientsin, to Peking. W.R.



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JAN 18 1906
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INDEX BUREAU
REC'D.
JAN
1906
DEPT. OF STATE

Hand personally
To Hon J. M. Miller
Jan 23 1906
Copy sent to
C. J. Bray Feb 16/07
J. T. C.

No. 167.

December 8, 1905.

CHIEF CLERK
JAN
DEPARTMENT
OF STATE.

Mr. Rockhill to the Secretary of State.

Subject:

Claim of C. J. Bray for losses sustained by him at Chai Bin in December, 1903.

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FEB 8 1906
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Copy sent to C. J. Bray
Feb. 16, 1907.
J. T. C.

AMERICAN LEGATION,
PEKING, CHINA.

No. 167,
RJ.

December 8, 1905.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

As a further acknowledgement of the Department's instruction No. 39 of August 14th, 1905, concerning the Claim of C. J. Bray for losses sustained in December, 1903, while working on the Canton-Hankow Railway, I have the honor to submit the following:

On October 5, 1904, my predecessor, Mr. Conger received 1/ the enclosed petition dated Manila, September 13, 1904, from Charles H. Pearsall, C. H. Windsor, Frank M. Kay, C. H. Bray and Charles B. Bailey, in reference to a claim for damages alleged to have been sustained by them in the month of December, 1903, while employed by the American-China Development Company on the construction of the railway from Canton to Hankow, and for which they held that the Chinese Government was responsible.

Under date of October 12, 1904, Mr. Conger wrote Messrs 2/ Pearsall et alii, informing them that he had referred the matter to Mr. F. D. Cheshire, Consul General in charge at Canton, for investigation and such action in their interest as the facts in the case might warrant.

Under date of February 2, 1905, Mr. Cheshire replied to 3/ the instruction of Mr. Conger, his conclusion being that

he had "very little hope of the Viceroy ever recognizing the liability of the Chinese Government in the matter... The case has been dragging on for such a long time, and as the claimants are now scattered all over the globe it seems to me, under the circumstances, that there is very little hopes of getting the claims paid."

Under date of April 4, 1905, Mr. Coolidge, then Charge d'Affaires at Peking, wrote to Messrs. Pearsall et alii, informing them that he had received the above mentioned report from Mr. Cheshire and also a more recent one from Mr. Lay, the present Consul General, "who are of the opinion, in which I concur, that this is not a case to be pressed."

From information recently supplied this Legation by Mr. Ashmead, until lately the Chief Engineer of the Canton-Hankow Railway, when passing through Peking, I concur in the opinion of Mr. Coolidge that Mr. Bray's claim is not a case to be pressed, as the record now stands.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1. Bailey et al to Mr. Conger, September 13, 1905.
2. Mr. Conger to Pearsall et al, October 12, 1904.
3. Mr. Cheshire to Mr. Coolidge, February 2, 1905.
4. Mr. Coolidge to Mr. Cheshire, March 1, 1905.
5. Mr. Coolidge to Messrs Pearsall et al, April 4, 1905.

File with 4560.

O. C. S.

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From China 167 Dec. 8/05.

Copy sent to C. J. Bray,
Dec. 16, 1907.
D. J. C.

FILE-S. Y. S.

Enclosure No. 1 in Despatch No. 167.

Manila, P.I., September 13, 1904.

Hon. Edward R. Conger,

Minister Plenipotentiary and Envoy Extraordinary,

United States Legation, Peking China.

Sir:-

Having failed to obtain from our Consul General at Canton, Mr. Robert M. McWade, that active assistance to which we believe ourselves entitled, in the collection of Certain claims we hold against the Chinese Government, we take the liberty of submitting to you the following facts relative to the occurrences upon which these claims are based, and respectfully requesting your aid in obtaining from the Chinese Government an early disposition of the matter.

In the month of December 1903 we were employed on the road force of the company constructing what is commonly known as the Canton-Hankow Railway. The nature of our work necessitated our living along the line of road in house boats anchored in the various streams intersecting the country. During the month aforesaid, and especially on the 13th day thereof, there occurred numerous riots upon and in the neighborhood of the right of way of the railroad, directed against the force employed in its construction, and particularly against all foreigners. As a result of these disturbances we were forced to flee for our lives and abandon our personal belongings to the mob of fanatics who pursued us. When the disorder was finally gotten under control by Chinese troops dispatched to the scene for that purpose, we found that every article of our clothing and other personal property had been either destroyed or carried away

Enclosure No. 1 in Despatch No.

Manila, P.I., September 13, 1901.

Hon. Edward H. Conger,

Minister Plenipotentiary and Envoy Extraordinary,

United States Legation, Peking China.

Sir:-

Having failed to obtain from our Consul General at Canton, Mr. Robert M. McWade, that active assistance to which we believe ourselves entitled, in the prosecution of certain claims we hold against the Chinese Government, we take the liberty of submitting to you the following facts relative to the occurrences upon which these claims are based, and respectfully requesting your aid in obtaining from the Chinese Government an early disposition of the matter.

In the month of December 1900 we were employed on the road force of the company constructing what is commonly known as the Canton-Hankow Railway. The nature of our work necessitated our living along the line of road in boats moored in the various streams intersecting the country. During the month aforesaid, and especially on the 15th day thereof, there occurred numerous riots upon and in the neighborhood of the right of way of the railroad, directed against the force employed in its construction, and particularly against all foreigners. As a result of these disturbances we were forced to flee for our lives and abandon our personal belongings to the mob of fanatics who pursued us. When the disorder was finally gotten under control by Chinese troops dispatched to the scene for that purpose, we found that every article of our clothing and other personal property had been either destroyed or carried away

by the rioters, and we were left with only what we wore. The guards stationed along the line by the Chinese Government were inefficient, in fact totally worthless except in large numbers. Many of their guns were antiquated and worthless, and even in cases where they were properly armed and equipped it required such length of time to transport them to the scenes of the various riots that the mob had usually accomplished its purpose hours before the arrival of the troops. Several of your petitioners had narrow escapes from death at the hands of the rioters, and that they escaped at all was due to the faithfulness of some of the Chinamen employed upon the road.

We filed our claims with Mr. McWade some nine months ago, but have been unable to get from him any further satisfaction than the formal statement that, when His Excellency Viceroy Tsen, or the Imperial Chinese Government settles these claims he (McWade) will pay us. It is no violent assumption to conclude that His Excellency, if let alone, will see fit to settle these claims - never. If, on the other hand, our Consular representative had shown a proper spirit in the matter, and explained to His Excellency that, after allowing a reasonable time for the investigation of these claims, the United States Government, through its Consul General, would insist upon their adjustment, or that some good and sufficient reason be furnished by the Chinese Government for their non-payment, we have no doubt that the matter would have been closed six months ago. We are informed, and believe, that the claims of the American Company at that time constructing the railroad, said claims amounting to about $60,000.00, and which arose out of the same disturbances, have been long since settled. But even

by the rioters, and we were left with only what we were. The guards stationed along the line by the Chinese Government were insufficient, in fact totally worthless except in large numbers. Many of their guns were antiquated and worthless, and even in cases where they were properly armed and equipped it required such length of time to transport them to the scenes of the various riots that the mob had usually accomplished its purpose hours before the arrival of the troops. Several of your petitioners had narrow escapes from death at the hands of the rioters, and that they escaped at all was due to the faithfulness of some of the Chinamen employed upon the road.

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should this information be incorrect and those claims are still in process of adjustment, the explanation of the delay would probably be found in their complicated nature and the time required for investigation; as compared to them the total of our claims is insignificant, the amount a mere bagatelle to the Chinese Government, but to us individually a very large sum; the evidence is not clomlicated, consisting of sworn statements from us (prepared according to the directions of Mr. McWade) to the effect that we were at the time of the riots possessed of certain personal property and that the same was destroyed by the rioters,- these statements have never been controverted, nor have we ever been called upon for additional proof; in our declarations of loss we named witnesses as to the truth of our statements, but, as far as we can learn, these witnesses have never been interrogated, nor any other steps taken toward the collection of these claims. We, of course, assume that the claims have been presented by Mr. McWade to the Chinese Government, or its representative at that point.

We have written to Mr. McWade time and again requesting information as to the liklihood of an early settlement of the claims, only to be met with the stereotyped reply that when the claims were paid we would be paid, until now being convinced of our helplessness and his indifference of the matter, we address this petition to you as his superior, and respectfully ask that he be urged to take some action that will indicate to his excellency The Viceroy, that the United States Government takes at least sufficient interest in its citizens to make a protest against their rights being longer ignored in the manner His Excellency has adopted in this case. The condition of affairs seems to be as follows: His Excellency is asleep, Mr. McWade doesn't care to disturb him, and

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should this information be incorrect and those claims are still in process of adjustment, the explanation of the delay would probably be found in their complicated nature and the time required for investigation; As compared to them the total of our claims is insignificant, the amount a mere bagatelle to the Chinese Government, but to us individually a very large sum; the evidence is not clomplicated, consisting of sworn statements from us (prepared according to the directions of Mr. McWade) to the effect that we were at the time of the riots possessed of certain personal property and that the same was destroyed by the rioters;- these statements have never been controverted, nor have we ever been called upon for additional proof; in our declarations of loss we named witnesses as to the truth of our statements, but, as far as we can learn, these witnesses have never been interrogated, nor any other steps taken toward the collection of these claims. We, of course, assume that the claims have been presented by Mr. McWade to the Chinese Government, or its representative at that point.

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Enc. No. 1, Desp. No. 167

we can't reach His Exalted Highness except through our Consul General.

We, of course, do not believe that Mr. McWade has any ulterior motive in the lack of energy he has displayed, but we do believe that he is utterly indifferent both personally and officially, as to whether we ever collect this money or not. As to his lack of personal feeling we have no right to, nor do we complain, but we object most strenuously to his official conduct of the affair, and if it can be arranged without further reference to him we would be very glad to have that course pursued.

We take the liberty of enclosing herewith several letters received by us from Mr. McWade, which were written in response to our requests for information as to the then status of our claims.

Below is set forth, opposite our names, the amount of each claim, our addresses and our present places of employment.

$407.00	C.B.Bailey,	Manila, P.I.,	City Government, Manila.
$404.20	.Chas.H.Pearsall,	"	Checker, U.S.Transport Service.
$118.00	C.H.Windsor,	"	Clerk, Corral, I.P.A.,
$520.00	F.M.Key,	"	Clerk, Q.M.Dept.,
$726.00	C.J.Bray,	"	Post Blacksmith, Sta. Mesa Garrison.
32.00			

The last item for C.J.Bray ($32.00) is Mexican, the other amounts are in gold, except C.B.Bailey's claim, which is all Mexican.

Trusting that this petition will receive your favorable consideration, we are,

Very respectfully,

(Signed)

Charles H. Pearsall,

C.H.Windsor,

Frank M. Key.

C.J.Bray,

Charls. B. Bailey.

Enc. No. 1, Desp. No. 476

we can't reach His Exalted Highness except through our Consul General.

We, of course, do not believe that Mr. McWade has any ulterior motive in the lack of energy he has displayed, but we do believe that he is utterly indifferent both personally and officially, as to whether we ever collect this money or not. As to his lack of personal feeling we have no right to, nor do we complain, but we object most strenuously to his official conduct of the affair, and if it can be arranged without further reference to him we would be very glad to have that course pursued.

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$520.00	F.M.Key,	"	Clerk, Q.M.Dept.,
$726.00)			Post Blacksmith, Sta.
32.00)	C.J.Bray,		Mess Garrison.

The last item for C.J.Bray ($32.00) is Mexican, the other amounts are in gold, except C.B.Bailey's claim, which is all Mexican.

Trusting that this petition will receive your favorable consideration, we are,

Very respectfully,

(Signed)

Charles H. Pearsall,

C.H.Windsor,

Frank M. Key.

C.J.Bray,

Charle. B. Bailey.

Enclosure No. 2 in Despatch No. 167.

Misc. No. 2477.

October 12, 1904.

Messrs Charles H. Pearsall et al,
Manila,
Philippine Islands.

Gentlemen:

In reply to your communication of September 13th, regarding the destruction of your property during the riot at Chai Bin, and your ineffectual attempts to obtain reparation, I have to inform you that I have directed Mr. Cheshire, now in charge as Consul General at Canton, to investigate the matter thoroughly and to take such action with regard to your interests as the facts of the case may warrant.

Very respectfully,

(Signed) E. H. CONGER.

P.S. The letters attached to yours are returned herewith.

Enclosure No. 2 in Despatch No. [illegible]

Misc. No. 2477.

October 12, 1904.

Messrs Charles H. Pearsall et al,

Manila,

Philippine Islands.

Gentlemen:

In reply to your communication of September 13th, regarding the destruction of your property during the riot at Chai Bin, and your ineffectual attempts to obtain reparation, I have to inform you that I have directed Mr. Chenhire, now in charge as Consul General at Canton, to investigate the matter thoroughly and to take such action with regard to your interests as the facts of the case may warrant. 266

Very respectfully, 266

(Signed) E. H. CONGER.

P.S. The letters attached to yours are returned herewith.

Enclosure No. 3 in Despatch No. 167.

AMERICAN CONSULATE GENERAL.

Canton, February 2, 1905.

John Gardner Coolidge, Esq.,
Chargé d'Affaires ad interim,
Peking.

S i r :

In compliance with the instruction contained in your No. 2624 of date the 12th of October, 1904, I brought to the attention of the Viceroy's representative- the Provincial Treasurer- the claims of certain Americans employed on the Canton-Hankow Railway for indemnification for destruction of their property during some rioting which occurred at Chai Ben in the month of December, 1903: See my despatch No. 266 683, of date November 15th, 1904, which forms enclosure 1.

To this communication I received on the 21st of December 266 last a reply from the Viceroy, through his representative the Provincial Treasurerfrom which you will see that he refuses to admit the claim made for compensation, as the statements of the claimants vary with those of Taotai Li and others who reported on the case.

Yesterday I had a long talk with Taotai Li about this case, and he confirmed all he said in his report to the Viceroy, and is of the opinion that the Chinese Government is in no way responsible for the losses alleged by the claimants. He declares that the boats occupied by the foreign workmen were not touched during the trouble, and is at a loss to undestand how the men could have lost the property they claim. He also referred to the boats occupied by Chinese prostitutes and it may be that some of the property belonging to the men

Enclosure No. 3 in Despatch No. 472.

AMERICAN CONSULATE GENERAL.

Canton, February 2, 1905.

John Gardner Coolidge, Esq.,
Charge d'Affaires ad-interim,
Peking.

S i r :

In compliance with the instruction contained in your No. 2624 of date the 12th of October, 1904, I brought to the attention of the Viceroy's representative- the Provincial Treasurer- the claims of certain Americans employed on the Canton-Hankow Railway for indemnification for destruction of their property during some rioting which occurred at Chuk Ben in the month of December, 1903: See my despatch No. 885, of date November 15th, 1904, which forms enclosure 1.

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Enc. in Desp.No. 167 (No.3)

may have been kept there.

I may say that I have very little hope of the Viceroy ever recognizing the liability of the Chinese Government in the matter.

The unfortunate thing in this case is, that the whole matter was not taken up at the very beginning and tried by a joint tribunal - the U.S.Consul General and the Chinese officials sitting together, when the evidence of all concerned could have been taken in open court and a decision rendered. The case has been dragging on for such a long time and as the claimants are now scattered all over the globe, it seems to me, under the circumstances, that there is very little hope of getting the claims paid.

I intended to have written the Legation earlier about this case but I have been very much pressed of late with multifarious duties; besides, I was anxious to have an interview with the Taotai Li before writing to you.

I have the honor to be, Sir,

Your obedient servant,

(Signed)- F.D.Cheshire,

American Consul General in Charge.

Enc. in Desp.No. 1427 (No.3)

may have been kept there.

I may say that I have very little hope of the Viceroy ever recognizing the ~~xixix~~ liability of the Chinese Government in the matter.

The unfortunate thing in this case is, that the whole matter was not taken up at the very beginning and tried by a joint tribunal - the U.S.Consul General and the Chinese officials sitting together, when the evidence of all concerned could have been taken in open court and a decision rendered. The case has been dragging on for such a long time and as the claimants are now scattered all over the globe, it seems to me, under the circumstances, that there is very little hope of getting the claims paid.

I intended to have written the Legation earlier about this case but I have been very much pressed of late with multifarious duties; besides, I was anxious to have an interview with the Taotai before writing to you.

I have the honor to be, Sir,

Your obedient servant,

(Signed) - ~~Wm~~ D.Cheshire,

American Consul General in Charge.

Enc. No. 3 in Despatch No. 167

Enclosure No. 1 in Despatch No.226.

American Consulate General.

Canton, November 15, 1905.

His Excellency Hu,

Representing the Viceroy of the Two Kwangs.

Your Excellency:

I have the honor to bring to the attention of Your Excellency the claims for property lost during the riot at Chai Bin in the month of December, 1903.

The men were living in house-boats along the railway line which was being constructed, and when the riot occurred they were compelled to flee for their lives and abandon their personal belongings to the mob who pursued them. When quiet was restored and they returned to their work they found that every article of clothing and personal property had either been destroyed or carried away by the rioters.

Several of the men had narrow escapes from death at the hands of the rioters, and that they escaped at all was due to the faithfulness of some of the Chinamen employed on the road. Nothing whatever has been done to settle these cases although they have been before your excellency for a long time, and I now bring them to your excellency's notice and request that action may be taken in the premises.

I may call Your Excellency's attention to the fact that similar cases have occurred in the United States, where the Chinese who have suffered, notably at Rock Springs, have been indemnified by the United States Government.

It is unnecessary for me to write at length about these claims, as Your Excellency is no doubt aware of all the particulars.

I have the honor to be, etc.,

(Sgd) F.D.CHESHIRE,
Consul General.

Enc. No. 3 in Despatch No. /47

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It is unnecessary for me to write at length about these claims, as Your Excellency is no doubt aware of all the particulars.

I have the honor to be, etc.,

(Sgd) P.D.CHESHIRE,
Consul General.

Enclosure No. 3 in Despatch No. 167.

(Enclosure No. 2 in Despatch No.226.)

Despatch from H.E. Tsen, Viceroy of the Two Kwangs to Hon. F.D. Cheshire, Consul General of the U.S. re riot at Chai Bin.

I have the honor to acknowledge the receipt of your communication of the 15th of November, 1904, re the riot at Chai Bin in the month of December 1903. You stated that nothing whatever has been done in the case although it has been before me for a long time, and you brought it to my notice again with the request that action be taken in the Premises, etc.

In reply I beg to say that in regard to the case of the riot of the native workmen of the railway at Lo Tsun, near Chai Bin, I duly instructed Taotai Bi of the Chinese Department of Railways, and the Magistrate of the Nam Ho district to investigate the matter. Later I received a report from them: "that the rioters did not trouble the boats of the foreign workmen and that the mat-shed which was burned down contained only some small pieces of timber left from the materials used for the building of bridges. The foreign workmen never lived in the said mat-shed nor had they any personal effects stored there; hence they did not lose at all any money, clothes, etc. They also stated that as to the boats occupied by Chinese girls (prostitutes) the foreign workmen should not have been there, and no matter if they had money, etc., in keeping in the said boats, it was very difficult for them to do anything for the said foreign workmen in the matter." I could not therefore grant the request of your predecessor in the matter and instruct the authorities to indemnify the workmen for the alleged lossed. This decision

Enclosure No. 3 in Despatch No. 42?

(Enclosure No. 2 in Despatch No.226.)

Despatch from H.E. Tsen, Viceroy of the Two Kwangs to Hon. J.D. Cheshire, Consul General of the U.S., re riot at Chai Bin.

I have the honor to acknowledge the receipt of your communication of the 15th of November, 1904, re the riot at Chai Bin in the month of December 1903. You stated that nothing whatever has been done in the case although it has been before me for a long time, and you brought it to my notice again with the request that action be taken in the premises, etc.

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Enclosure No. 3 in Despatch No. 167.

and the above report was duly communicated to your predecessor for his information.

Subsequently I received another communication from your predecessor stating that in regard to the personal effects belonging to Americans, which were carried away or destroyed by rioters at Chai Bin, the matter had been arbitrated. He also enclosed the award of the arbitrators which fixed the amount of the losses at the lowest figure, and he requested that the same be paid. At the time, I again instructed the officials of the Chinese Department of Railways to investigate and take action in the matter. Later I received another report from them stating "re the riot of the native workmen at Chai Bin, where the rioters burned down a mat-shed used for the storing of timber, they had reported to me thoroughly in regard to the matter in their various reports; that it is true that an Interpreter was in league with the head workman and they made an unreasonable demand for an increase of their wages, hence trouble arose and a disturbance followed, and they burned down a mat-shed used for the storing of timber, injured some guards who were trying to stop the disturbance and arrested three prostitutes, but they were fortunately set at liberty. Twelve rioters were arrested at various times who were turned over ~~the~~ to the Sub-Prefect of Fat Shan and they declared at the trial that they had never attacked the foreign employees of the railway at all; that as to the matter of the compensation decided by the arbitrators, the said officials had enquired from the engineers of the section of Chai Bin, Mr. Farm and Mr. Ang Kwai Yu about the losses, who stated that money, clothes, etc. which were kept in the boats

Enclosure No. 3 in Despatch No. 46.

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Enclosure No. 3 in Despatch No. 169.

were lost; that when quiet was restored the foreign employees falsely filed their claims with the American Consul General and the amount was very large; that it is evident that they availed themselves of the occasion to aviriciously demand an indemnity; that at the time the disturbance was going on they were diligently protected by the guards, and the rioters did not rob the boats the workmen were occupying, and that as to the statement of Mr. Farm and Mr. Ang Kwai Fu that money, clothes, etc., were lost, it is difficult to express an opinion whether this is true or not; but if there is reason to believe that valuable things were kept in the boats occupied by the prostitutes, then they could not act in accordance with the request of the American Consul General to pay the amount awarded by arbitration. They requested that the above report be communicated to the American Consul General."

I beg to say that the above report was sent to your predecessor for his information.

Now I have the honor to state that the facts of the case given in your communication are different from the report of the officials of the Chinese Department of Railways; therefore I cannot act in the case as requested by you.

A Necessary Communication.

Canton, December 21, 1904.

Enclosure No. 3 in Despatch No. 747.

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A Necessary Communication.

Canton, December 21, 1904.

Enclosure No. 4 in Despatch No. 167.

Con. No. 2805.

March 1, 1905.

F. D. Cheshire, Esq.,
American Consul General in Charge,
Canton, China.

S i r :

I have received your No. 226 of February 2nd, reporting on the claim for compensation made by certain Americans employed by the Canton-Hankow Railway, for the destruction of some of their personal property during a riot at Chai Bin in December, 1903.

Before I can decide as to what course to pursue, there is one point on which I would like further light. In the reply of the Viceroy to your complaint, it is admitted that the matter had been arbitrated in the time of Mr. McWade and an award had been made fixing a certain amount of damages and requesting that it be paid; which was not done. Will you please look into this, and report whether the Chinese authorities agreed to submit to arbitration and then refused to abide by the results, as might be inferred from the text of this letter.

I have the honor to be, Sir,

Your obedient servant,

(Signed) JOHN GARDNER COOLIDGE,
Charge d'Affaires.

Enclosure No. 4 in Despatch No. 762.

Con. No. 2805.

March 1, 1905.

F. D. Chamberlain, Esq.,

American Consul General in Charge,

Canton, China.

Sir:

I have received your No. 226 of February 2nd, reporting on the claim for compensation made by certain Americans employed by the Canton-Hankow Railway, for the destruction of some of their personal property during a riot at Chai Bin in December, 1903.

Before I can decide as to what course to pursue, there is one point on which I would like further light. In the reply of the Viceroy to your complaint, it is admitted that the matter had been arbitrated in the time of Mr. McWade and an award had been made fixing a certain amount of damages and requesting that it be paid; which was not done. Will you please look into this, and report whether the Chinese authorities agreed to submit to arbitration and then refused to abide by the results, as might be inferred from the text of this letter.

I have the honor to be, Sir,

Your obedient servant,

(Signed) JOHN GARDNER COOLIDGE,

Chargé d'Affaires.

Sub Enclosure in Despatch No. 167.

AMERICAN CONSULATE GENERAL.

Canton, March 18, 1905.

John G. Coolidge, Esq.,
Chargé d'Affaires,
American Legation,
Peking, China.

S i r :

I have the honor to acknowledge the receipt of the Legations despatch No. 2805 of the 1st instant, and in reply to your inquiry as to whether the Chinese authorities agreed to submit the Chai Bin matter to arbitration and then refused to abide by the result, I beg to state that I learn from Mr. Cheshire that the so-called arbitration referred to was not an arbitration in the true sense of the term, agreed to by all the parties concerned, with the understanding that they would abide by the award rendered.

The claims presented by the railway employees were examined by a Colonel Pinkston and some others in the employ of the railroad company, and a report was presented, which Mr. McWade was pleased to term "The Arbitration Report". Mr. McWade, in writing to the Chinese authorities asking payment of the claims, referred to the amounts fixed by the arbitrators, hence the reference made to "amounts awarded by arbitration" in the communication from the Viceroy.

As I understand it, the Chinese Authorities did not agree with the railway people to refer the matter to arbitration and abide by the award rendered.

I have the honor to be, Sir,

Your obedient servant,

(Signed) JULIUS G. LAY,

American Consul General.

Enclosure in Despatch No. 47.

AMERICAN CONSULATE GENERAL.

Canton, March 18, 1905.

John G. Coolidge, Esq.,

Charge d'Affaires,

American Legation,

Peking, China.

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As I understand it, the Chinese Authorities did not agree with the railway people to refer the matter to arbitration and abide by the award rendered.

I have the honor to be, Sir,

Your obedient servant,

(Signed) JULIUS G. LAY,

American Consul General.

Enclosure No. 5 in Despatch No. 167.

Misc. No. 2651.

April 4, 1905.

Messrs Charles H. Pearsall et al,
Manila, Philippine Islands.

Gentlemen:

Referring to Mr. Conger's No. 2477 of October 12th in answer to yours of September 13th, with regard to certain claims for alleged distruction of your property during the riots at Chai Bin in December, 1903, I have to inform you that I have now received reports on this subject from Mr. Cheshire, who has been in charge at Canton, and Mr. Lay, the present Consul General, who are of the opinion, in which I concur, that this is not a claim to be pressed.

Very respectfully,

(Signed) JOHN GARDNER COOLIDGE,
Chargé d'Affaires.

Office of the Assistant Solicitor.

Jan. 17, 1906.

Diplomatic Bureau:

Copy with encs. to Hon. J.M. Miller, M.C., referring to his letter of August 8, 1905.

F.V.

RECEIVED JAN 18 1906 DIPLOMATIC BUR. DEPT. OF STATE.

DEPT OF STATE JAN 18 1906 ASSISTANT SECRETARY

DIPLOMATIC BUREAU.

INDEX BUREAU REC'D. JAN 18 1906 DEPT. OF STATE

To Treasury -
~~Query~~? to Mr. Jenks
Ack commending industry shown &c &c.
Aid So, acdy
Jan. 26

No. 168.

December 11 1905.

ASSISTANT SECRETARY, JAN 17 1906

CHIEF CLERK JAN 18 1906 DEPARTMENT OF STATE.

Mr. Rockhill to the Secretary of State.

FOR RELS. 1905.

Subject:

The New Chinese Currency.

Report by the Chinese Secretary, referring to No. 110 of September 29th, 1905.

INDEX BUREAU JAN 26 1906 FILED

Instruction No 39 inclosed
a letter of August 8, from
Hon. J. LeMiller, of Kansas
which has not been
returned to the files

RECEIVED
JAN
18
1906
DIPLOMATIC BUR. DEPT. OF STATE.

DEPT OF STATE
JAN
18
1906
ASSISTANT SECRETARY

INDEX BUREAU
REG'D.
JAN
17
1906
DEPT. OF STATE

DIPLOMATIC BUREAU.
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INDEX BUREAU
JAN 26 1906
FILED

No. 168.

AMERICAN LEGATION,
PEKING, CHINA.

December 11th. 1905.

FOR RELS. 1905.

To the Honorable

Elihu Root,

Secretary of State,

Washington, D. C.

Sir:- In further reference to my No.110 of September 29th. last, I have the honor to transmit inclosed, (1) a report by the Chinese Secretary of this Legation, Mr. Williams, upon the subject of the new Chinese currency, which is accompanied by translations of a number of memorials, dealing with the question, and by a translation of a recent Imperial Edict, establishing the weight and fineness of the standard silver coin and of the subsidi-

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(No.)

ary silver coins, and (2) a copy of some comments upon the new system, made by Mr. E.G.Hillier, Manager of the Peking Branch of the Hongkong & Shanghai Banking Corporation, who is one of the most expert financiers in the Far East.

From these reports it seems that the new currency system of China is not likely to fulfill the requirements of our last treaty with China to the effect that she shall establish a uniform national coinage, and I have the honor to request that I may be instructed what representations, if any, under the circumstances, to make to the Chinese Government respecting the matter.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1. Mr. Williams to Mr. Rockhill, December 11, 1905.
   Sub-enclosures,-
   Memorial re currency regulations,
   Memorial re Mint at Tientsin,
   Imperial Edict of Nov. 19, '05,

2. Notes written by Guy Hillier, Esq., re the new Currency Regulations.

Enclosure No. 1 in Despatch No. 168

LEGATION OF THE UNITED STATES OF AMERICA,
PEKIN, CHINA.

December 11th. 1905 .

Hon.W.W.Rockhill,

American Minister, Peking.

Sir:- I have the honor to submit herewith a report on the new currency system of the Chinese Government, as set forth in various memorials and a recent Imperial Edict, translations of which are inclosed.

It will be seen from Inclosure, No.2, Regulations 1 and 2, that it has been definitely decided to establish a currency in three metals; gold, silver, and copper. As time was needed, however, to determine the question of the weight and fineness of the proposed gold and silver coins, the Government last August resolved to begin with the minting of the subsidiary copper coinage, and an Edict to that effect was issued on Aug.22. Previous to that date, however, the provincial mints with the approval of the Throne had already been issuing copper coins for some time, and, although these coins were of varying weights and degrees of fineness, they were allowed to remain in circulation, as were also the debased cash of the old system, but the provincial mints were ordered in future to make the copper coins of uniform weight, quality and design, according to the rules laid down for the Central Mint. (Vide Inclosure No.1, pages 1, 2, and 3, and Regulation 2.)

These new copper coins are worth intrinsically only about two-fifths of their face value, and, while they have found pretty general acceptance on account of the scarcity of cash, some opposition to their exchange at the legal rate is now beginning to be shown, because in places the supply seems to be too great. Last week the cash shops of Pao-ting Fu in this province closed their doors for five days rather than take the coins at the official valuation. The foreign merchants at Shanghai called

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ed attention to this danger some months ago, and the Chinese Government was duly warned. It now sees the necessity for action, and has ordered the suspension of copper minting for the present. (Vide Inclosure, No.5.)

Efforts were made to confine the circulation of the provincial copper coins to the provinces issuing them, but despite the Imperial Edict to this effect, the Viceroy at Canton prayed for permission to export his coins to Shanghai and other ports, claiming that his provinces needed exceptional treatment. His request was refused, but his neighbor, the Viceroy at Foochow, endeavored without permission to ship large quantities of his coppers to Shanghai and Chefoo, which were seized by the Customs, and this incident led to the order for the punishment of those concerned. (Vide Inclosure, No.6.) The profit on these coins is so great that the temptation to evade the Edicts is more than ordinary Chinese official nature can resist, and the provincialism which exists everywhere in China makes the officers of one viceroyalty utterly indifferent to the confusion which their acts may occasion elsewhere.

After three months deliberation the Financial Commission determined to recommend that the standard silver coin be made the equivalent of one K'u-p'ing tael. (Vide Inclosure, No.3) This was approved by Imperial Edict on Nov.19th. (Vide Inclosure,No. 4.) But while this coin is to be called a "K'u-p'ing tael" and the law makes it exchangeable for a true K'u-p'ing tael of silver, its intrinsic value is somewhat less, notwithstanding the declaration of the Commission that the intrinsic value of the standard coin should agree with its nominal value. The K'u-p'ing tael contains 99.8 parts of pure silver. The new coin will contain but 96 parts, the difference being charged to the cost of minting, and the Commission expresses the belief that if the Government will accept it freely in exchange for the K'u-p'ing tael, the merchants will be glad to do the same in order

to

to avoid the annoyance attending the testing of silver sycee and the discount for lack of touch etc. It does not seem likely, however, that the people will take kindly to this over-valuation of the new coin. It would seem to work hardship to creditors who have sums due them according to contract in K'u-p'ing taels, and who are now required to receive in discharge of old as well as new debts one tael coin in lieu of a K'u-p'ing tael of silver. They must thus lose 3.8% of their dues. Edicts have not been able to enforce such regulations in the past, and it is improbable that this will prove an exception.

Unfortunately there are no bankers connected with the Commission, and there is not a single member of the Commission who has had the financial training needed for this sort of work. Despite the earnest efforts of Hon.J.W.Jenks to persuade the Chinese Government to engage expert assistance, the Commission has preferred to take its own course, and seems destined to render worse confounded the confusion already existing with regard to the currency.

But, if it will be difficult to compel the people to accept the new silver standard coin, it will certainly be more difficult to unload upon them the paper notes which are to be circulated with it. It is provided (Inclosure 3, Regulation 4.) that when a sufficient amount of the new coins shall have been minted to inaugurate the system, an equal amount in paper shall also be issued. There is no provision as yet to retain any silver in the Treasury to secure these notes, and no arrangement for their redemption beyond the bare statement that when a sufficient number of the new coins shall have been minted they will replace all other forms of money. Former issues of paper money by the Chinese Government have been repudiated, and the people will be slow to accept these notes unless substantial guaranties are given for their redemption.

When the time shall arrive for the inauguration of the system

tem, the Government will determine what proportion of any debt may be paid in the new silver, what proportion in paper money, and what proportion in the present silver dollars, sycee, etc. It thus appears that the present mixed currency is to continue in circulation for some time to come along with the new coins. Further coinage of silver dollars is apparently to be stopped, but no provision is made as yet for the eventual removal of these various silver coins from circulation. It may be doubted whether they can be driven from circulation so long as there is no check placed upon the importation of Mexican and Hongkong dollars, and as the present commercial treaties provide that no import duty may be levied upon gold and silver bullion or coin, a revision of these treaties may first be required in order to secure the uniformity in the currency which is desired.

Although a gold coinage is provided for, its introduction is for the present postponed. (Vide Inclosure ,No.3, page 2.) Professor Jenks' suggestion that the gold value of the silver coins be fixed and guarantied from the start was not accepted, and nothing has been done toward fixing the rate of exchange between the silver and the proposed gold coins.

Even the rate of exchange between the copper coins and the new silver currency has not yet been decided; the Commission states that this will be done after the provincial mints shall have made the reports required of them. (Inclosure, No.3, Regulation 3.)

On the whole the new system, so far as developed at present, can hardly be said to meet the requirements of Article XIII of the Treaty of 1903 between the United States and China, which provides that China shall provide for "a uniform national coinage which shall be legal tender in payment of all duties, taxes and other obligations throughout the Empire by the citizens

of

(E.T.W. to W.W.R.)

of the United States as well as Chinese subjects."

I have the honor to be,

Sir,

Your obedient servant,

E. T. Williams

Chinese Secretary.

Inclosure, No.1 in Despatch, No. 168.

W.

Memorial submitting Regulations proposed to secure the reform of the Currency and the introduction of a Uniform Coinage throughout all the Provinces of the Empire.

(Translation)

We, Your Majesties' Ministers, in the Fourth Moon of last year (May-June,1904) received an Imperial Edict, directing us to establish a Central Mint for the coinage of silver and cash with a view to the reform of the currency, and thereupon at once established such a mint at the port of Tientsin, and bought machinery. This machinery has now been erected and an experiment made in the minting of copper coins, the operations in connection with which have already been reported in a separate memorial. But, coinage having thus begun at the Central Mint, it becomes necessary at once to establish uniform regulations as to minting to be enforced in all the provinces., in the hope that the purpose of the Court to reform the currency, enrich the State and benefit the people, may be fulfilled.

The first minting of silver coins in China was undertaken in Kuangtung with the object of supplanting the foreign dollars and making good the deficiency in the volume of the copper cash, Afterwards the provinces of Hupeh, Kiangnan, Chihli, Chekiang, Anhui, Fengt'ien (Moukden), and Kirin successively bought minting machinery and proceeded to coin, but the coins minted differed considerably among themselves in weight and fineness, and even coins from the same mint lacked uniformity, so that the people made distinctions. The coins of one province, too, were unable to circulate in another, and thus they were less satisfactory than the Mexican dollar which circulated generally throughout the north and south. Recently there has been added a minting of copper coins because of the shortage in the ordinary cash. The circulation of these has found favor among the people and the profit from minting them has been very great.

The various provinces therefore have vied with one another

in

(Inclosure, No.1)

in asking permission to coin, and there has been no end of confusion as a result. Because of this emulation, too, recently the prices of the machinery, copper and lead have risen, and the worth of the copper coins has depreciated . And, if they are to go on, each coining for its own use, each having its own way, perhaps the price of copper will still further rise, and the value of the cash still further depreciate and after a few years the demand for the new coins will be fully supplied and their circulation will not be easy, and there will be gradually a loss on the capital invested. Moreover in the new commercial treaties there is an article providing that a uniform currency shall be adopted. But, if each province shall be allowed to adopt its own they will probably get a long way from fulfilling the intention to have a uniform cursency. We find that in most countries the gold, silver, and copper coins in use are all coined at one mint, and the department of the Government having direction of the matter will make investigation of the conditions of the market, and when the amount of money in circulation is insufficient, minting is undertaken to increase it, and, if there is too much, the minting is stopped, temporarily. Thus they are able to maintain the parity of exchange, and avoid constant fluctuation.

The Chinese Empire is very large and its population numerous so that one mint will probably not be sufficient, and we propose in addition to the Central Mint established by the Financial Commission to permit four others which have proved most efficient in their work, those of Tientsin, Nanking, Wuchang and Canton to become branch mints for the coinage of silver.

As to the coinage of copper, the demand in the provinces is not yet supplied, and the mints already established will not be interfered with. For the present they will be allowed to continue coining (copper pieces), but in accordance with the memorial already submitted by the Board of Revenue no addition of new mints will be allowed, and we, Your Ministers must be permitted

mitted to inspect the weight and fineness of the coins, which must be ~~xxxxxxxx~~ issued at a uniform rate without any variation. Should any one not comply with these regulations now submitted, on the one hand the mint concerned will be closed, and on the other the official in charge will be impeached. Investigation must be made from time to time of the coinage in the provinces to determine whether or not the supply equals the demand. If the supply be sufficient, upon investigation of the facts by this Board, orders will be issued to suspend for a time the minting in the provinces concerned, and such orders must be complied with; there must be no disobedience under the pretext that coins are needed to meet payments due. In this way we shall avoid complaints of an over-issue, and we may hope that these mints being thus united under one authority will not be less advantageous than the use of one alone.

Your Ministers reverently make these suggestions and submit herewith ten regulations, which , if after inspection Your Majesties approve of them, we shall notify the provincial authorities to observe.

Reverently submitted with a prayer for the instructions of Their Majesties, the Empress Dowager and the Emperor, as to whether or not the suggestions made and regulations proposed should be adopted.

(Inclosure, No.1)

W. Ten Regulations for the Reform of the Currency, Reverently Submitted for the Imperial Inspection.

1. In order to carry out the present desire for the reform of the currency and the issue of a uniform coinage, it is proposed to request that the coinage of silver, after the weight and fineness of the coins shall have been decided upon and sanctioned , shall be allowed only to the Central Mint and the four branch mints at Tientsin, Nanking, Canton, and Wuchang. The Central Mint shall furnish the dies and the weight, fineness, and designs shall be uniform. Every time an issue is ordered, a number of the coins must be selected and forwarded together to the Financial Commission and the Board of Revenue, who sahll appoint chemical experts to make analysis of them to determine whether or not they are up to the standard in fineness and weight. No variation of more than one per cent. will be allowed. If the coins are not up to the mark, the whole lot minted must be re-melted and re-minted, and the several officials in charge shall be severally impeached. The Central Mint shall be under the direct management of the Financial Commission, and the said Financial Commission and the Board of Revenue shall select and appoint honest and capable officials to proceed to the branch mints at Tientsin , Nanking, Canton, and Wuchang, to make inspection, so as to secure proper attention.

2. More leniency may be shown comparatively in the matter of coining copper than in that of minting silver, and it is proposed that the provincial mints already in operation be allowed for the present to go on with their minting, but they shall be allowed to use only the machinery already on hand; no further machinery may be added to increase the out-put. As for those provinces

inces, which have not yet submitted memorials upon the subject and received the Imperial Consent to the establishment of such mints, they shall not be permitted hereafter to request it.

The fineness of the copper coins to be minted shall be 95% pure copper and 5% zinc. Those who desire to use instead of the zinc one per cent. of "tien-t'ung" tin may be permitted to do so The weight of the coins shall be viz. Twenty-cash piece four mace, K'u-p'ing scales; ten-cash piece, two mace K'u-p'ing ; five-cash piece, one mace K'u-p'ing; two-cash piece, four candareens, K'u-p'ing. The matrices shall be furnished by the Board of Revenue, and the coinage shall be exactly like that of the Central Mint, except that on the obverse one character shall be added to indicate the province in which the coin is issued, so as to facilitate examination. Every time an issue of coins is made, samples shall be sent to the Financial Commission and the Board of Revenue for assay, and the Financial Commission and the Board of Revenue shall from time to time select and appoint suitable officials to inspect the mints. If it shall appear that any are not complying with the Regulations adopted, further coining by the said mint shall at once be suspended, and orders issued to call in and destroy the coins issued within a fixed time.

3. The minting of coins is for the convenience of the people If, therefore, too many twenty-cash and ten-cash pieces be made, the people will not be able to divide them when they wish to make small purchases, and this will be very inconvenient. Therefore the Regulations adopted by the Central Mint of the Board of Revenue provide that a sufficient supply of five-cash and two-cash pieces shall be minted. It is now proposed to fix a definite rule, that at all the provincial mints the coins minted each day shall be in the following proportion;- ten-cash pieces, five-tenths of the whole number; five-cash pieces, two-tenths of the whole number, and two-cash pieces also two-tenths of the whole number, and twenty-cash pieces but one-tenth.The

demand

(Treasury No. 1)

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demand for coins smaller than the two-cash piece shall be supplied by the use of the old cash in circulation.

4. The number of the coins to be minted must be determined by a careful consideration of the supply and demand; only so will it be possible to maintain their value. If the out-put is increased from day to day and they daily depreciate in value, the merchants who have a large supply on hand will suffer considerable loss, and that which was intended to be a benefit to the people becomes an injury to them. Hereafter in all the provinces which are minting these coins orders must be issued to the official cash bureau and assay office to make an investigation of the conditions of the market and fix the rate (of exchange) and firmly insist upon the issue and receipt of the coins at this rate, so as to inspire confidence, and the various denominations of copper coins shall be uniformly exchanged for their face value in the ordinary cash. Mercantile guilds shall not be allowed to interfere with the circulation by charging a discount, nor shall the mints be permitted to issue coins at a lower rate than that fixed ~~xxxxxxx~~ simply because they want to make a profit. When the condition of the market shows that there is an over-supply of copper coins, the coining must be suspended in compliance with the intention of the Board (already expressed).

5. All the provinces engaged in minting these copper coins must first supply in full the ~~xxfixixxxx ix~~ lack of the ordinary cash in their own provinces, and they must not ship them in large quantities to other provinces, and thus stir up complaints from these other provinces. Any province having need of these copper coins may send the price to the Central Mint and obtain what they need. The provinces on the frontiers however will be allowed to send to the mint of a neighboring province and have it coin for them and forward the coins to their destination.

6. Every Viceroy and Governor in whose provinces there are mints

(Inclosure, No.1)

mints for the coinage of silver or copper, must once every three months report to the Financial Commission and the Board of Revenue the number of machines bought, the country of their origin, how many of them are stamping machines, cost of the machines, value of the buildings erected, number of officers and men employed, number of hours of work per diem, and number of coins minted. They shall also once a year make a report the cost of copper and lead or other materials used, and the nett gain after deducting all expenses of the mint of every sort, that it may be used for comparison.

7. The Central Mint will in the future require a great deal of silver foruse in minting the silver coins, and if it must all be shipped by the treasury of the Board of Revenue after requesting orders to that effect, the cost of transportation will be very heavy. We propose to ask therefore that after the date fixed for the minting of the silver coins the Board of Revenue shall set aside silver of the proper quality from the Imperial Revenues being sent to it, and issue instructions to certain of the provinces to send their quota of the Imperial Revenues thereafter to Tientsin, to the Central Mint, charging the managers of the mint with the responsibility of receiving and checking it, and requiring them to report the same day to the Board of Revenue, and the Board of Revenue shall within the time-limit fixed acknowledge receipt which receipt shall be handed to the deputy (who has delivered the silver) by the Central Mint. The Auditor of the Board of Revenue and the Censors of the Kiangnan Circuit have heretofore been charged with the duty of checking the receipts of the Imperial Revenues, but as the revenues from the provinces indicated are to be delivered instead to the Mint at Tientsin and checked there, a change should be made in the old regulations so that they may correspond with the actual state of affairs, and it will not be necessary hereafter for the Auditor of the Board of Revenue and the Censors of the Kiangnan Circuit to take delivery of the silver and give receipt therefor to the deputy. This arrangement

will

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will save time and prevent needless delay. But the duty of auditing the receipts of the Imperial Revenues is a very important one, and the Board of Revenue, therefore, should notify the Auditor of these revenues and the Censors of the Kiangnan Circuit once every half-year of the various sums received by the Central Mint from the several provinces on this account, and the Viceroys and Governors of the provinces concerned should also every half-year make a report of the same that they may be compared . This will secure greater care in the auditing and the old regulations will not fall into confusion.

8. The coinage of money is a prerogative of the Sovereign. Both in China and in foreign countries merchants and other subjects are not allowed to coin money at their own pleasure. At present merchants see that there is great profit in the coinage of the copper pieces, and this awakens a coveteous desire in their hearts so that they are constantly asking permission to raise capital and mint such coins under the pretext that the Government will receive tens of thousands of taels from this source, but with a real desire to encroach upon the ancient rights ofthe State and pay a small portion of their gains to the Government. Their hearts are really interested in the surplus gain which they may obtain and how then can they have any concern for the general interest! If their requests be granted great rivalry will result and the deterioration of the coinage and other evils more than can be mentioned will follow. Now that the various provinces have been forbidden to add any more branch mints, most certainly we can not turn about and permit merchants to do so, and we have to request that Imperial Orders be issued to all the yamens at Peking and in the provinces that every such request from merchants for permissán to mint copper coins shall be refused. Morecver we, Your Ministers, will from time to time investigate and, if any mint shall be discovered to have shares of private capital invested in it, notwithstanding

standing the fact that it may have received the Imperial Sanction orders will be issued for its immediate closing so as to protect the Imperial Prerogative.

9. The various coins minted by the Central Mint of the Board of Revenue must have general circulation throughout all the provinces. After the Bank of the Board of Revenue shall have been put into operation , the silver and copper coins minted by the Central Mint, with the exception of such as may be appropriated for the uses of the Board, will be delivered to the Bank which will distribute them from time to time according to the deficiency in the supply of cash in the various provinces, and will be issued at the fixed rate.

10. When the mints for the coinage of copper were first established in the provinces, the output could not meet the demand, and they were continually buying copper disks from Japan which after simply being stamped could be very conveniently put into circulation. It would seem as though this were a very profitable arrangement, but wages and other expenses are much greater abroad than in China, and as the ready made copper disks after being shipped from abroad are still not dear is sufficient to indicate that their weight and quality are not up to the standard. Moreover the foreign merchants when they ship them in do not scruple to secretly bring in an extra number which they sell to make a profit , lightly inducing evil persons to commit the offense of private coining. And now that we have already proposed that the weight and quality of the coins shall bemade uniform, and moreover as the various provinces have had their mints going for a long time so that it can no longer be pretended that they can not coin fast enough for the demand, it will be proper that they shall all melt the copper themselves and make their coins from it. Therefore we, Your Ministers, have already issued orders to the various provincial authorities forbidding the purchase of these disks, and we have also to request that Imperial

orders

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orders be issued to the Viceroys and Governors of the various provinces forbidding the purchase of these disks of copper, and that the Board of Foreign Affairs be instructed to direct the Commissioners of Customs to the effect that the import of such ready-made copper disks be forbidden, so as to prevent the evils referred to.

(Inclosure, No.2) Memorial, submitting Regulations for the Central Mint at Tientsin.

W.

(Translation)

We, Your Majesties' Ministers, having reverently received an Imperial Edict, directing us to establish a Central Mint for the coinage of silver and cash, have already on previous occasions reported the establishment of such a mint at Tientsin with the reasons therefor, and stated the facts with respect to the investigation into the character of the location and the arrangements with regard to the building operations., as the records will show.

In order to coin silver and copper it was necessary to buy proper machinery, and we at once directed the managers of the mint to contract with the firm of Arnhold, Karberg & Co. for a complete outfit of the new style machines for minting silver and copper, manufactured by the American firm, Ch'ang-sheng, to be delivered at Tientsin within a certain time, and the said managers in connection with Wang Jen-pao, newly promoted to the post of Tientsin Taot'ai, arranged the specifications for the building of the mint and hastened the construction, reporting its entire completion in the spring of the present year. They also urged the aforesaid foreign firm to hasten the shipment of the machinery contracted for and directed the foreign and Chinese employés to put it in place immediately upon its arrival, which was done. They then appointed officials to engage workmen for the mint, and on the eighth day of the Fifth Moon of the present year they started the machinery and first began the minting of copper coins. Your ministers, Na (-t'ung) and Chang (Po-hsi(?)) during the present month went separately to Tientsin to make inspection, and found the machinery ingenious and very suitable for use, and the buildings properly constructed. But the machinery, as originally contracted for, was to turn out over 600,000 coins, small and large, silver and copper, in a day. At present, however, as it has just been started, it is impossible that it should not show a little roughness, and the workmen, too, have not yet become accustomed to it, so that the daily out-put

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(Inclosure, No.2)

is still somewhat small, though this will be steadily increased as they grow more familiar with it.

We have already submitted drawings of the buildings and machinery, two sets, and specimens of the four kinds of copper coins minted. We have now to present eight regulations for the control of the mint which we have arranged, and for which we beg Your Majesties approval. It will be necessary for us further to direct the various officials to give careful attention to their duties and to devise suitable arrangements as occasion may require, and, when things get in proper shape we shall begin the coinage of silver, and purchase additional machinery that the out-put may be gradually increased, in the hope that the purpose of the Court to benefit the people by the reform of the currency may be fulfilled.

The original draft of these regulations was prepared by the Financial Commission and agreed to by the Board of Revenue, and both join in this memorial submitting them to the inspection of Your Majesties.

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Regulations for the Central Mint at Tientsin.

1. This mint, having been established by Imperial Edict, is on a different footing from that of the various provincial mints. For greater convenience in the shipment of coal and other materials it has been established at Tientsin (instead of Peking). The buildings have already been completed, and Your Majesties' ministers, after consultation, have agreed upon a name for the mint, calling it the "Central Mint of the Board of Revenue".

The coinage in three metals will be known as "The Ta-ch'ing Gold Coinage", "The Ta-ch'ing Silver Coinage", and "The Ta-Ch'ing Copper Coinage", for general circulation throughout the Empire. (Note:- This is to be the inscription on the coins, and may be rendered freely "Chinese Imperial Gold Currency", "Chinese Imperial Silver Currency" etc.)

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2. The original intention in the establishment of this mint was the reform of the currency, and the purpose was to issue a currency in three metals;-gold, silver,and copper, but the establishment of a currency system is a matter of serious importance and we can not avoid a careful investigation to determine the proper weight and fineness of the gold and silver coins and this has yet to be thoroughly considered and decided. During recent years, however, the supply of ordinary cash has been short, and that of the ten-cash pieces used in Peking has also been insufficient, and we propose first of all therefore to undertake the minting of copper coins, and have decided upon four denominations. The largest will weigh four mace and be worth twenty ordinary cash; the second will weigh two mace and be the equivalent of ten ordinary cash; the third, weigh one mace and be equal to five ordinary cash, and the fourth weigh four candareens and be the equivalent of two cash. The fineness will be 95 parts copper and 5 parts zinc. After the copper and zinc shall have been mixed together as above required and the coins made, they must from time to time be submitted to analysis and if any are found wanting, they must be returned to the melting pot and re-minted, so as to avoid any irregularity.

3. Sometime ago we received an Imperial Decree directing the Board of Revenue to appropriate Tls.4,000,000, as capital for minting purposes. The present expenses for the purchase of land, labor and materials for building, the cost of the machinery,and payments for copper and zinc have been met by appropriations from time to time by the Board of Revenue. Salaries, wages and food of the officials and workmen engaged in starting the enterprise have been paid by a temporary loan by the Financial Commission.The profits from the coinage of copper will be devoted to paying the running expenses of the mint, and after setting aside one-tenth for reserve, and one-tenth as bonuses, the remainder will be paid into the Board of Revenue to be employed hereafter in enlarging the mint, purchasing additional ma-

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(Inclosure, No.2)

chinery, and as capital to be employed in the coinage of gold and silver. When the time for its use shall arrive, it will be appropriated for these purposes as required by the Board of Revenue.

4. The copper coins minted by this mint shall first be devoted to fully supplying the needs of the capital, and the remainder shall be distributed through the provinces. No matter whether or not they be places in which the copper coins circulate, the copper coins of this mint may be sent thither, and the local authorities must give such protection as the circumstances may require and order the markets and mercantile houses to give them general circulation. In all public funds they must receive the same treatment as the ordinary cash; there must not be the least discrimination made against them. Should any one oppose or make discrimination, the Financial Commission and Board of Revenue shall make a thorough investigation and punish the offenders.

5. This mint being under the control of the Board of Revenue, the treasury of said Board in receiving the copper coins and in paying them out for salaries and stipends ought to reckon them according to their intrinsic value, but this mint is on a different footing from that of the provincial mints, inasmuch as the provincial copper coins received by the Board of Revenue are received by chance, but this mint must send its coins to the Board constantly for regular use, and, if they are all to be reckoned only at their intrinsic value, there will be nothing from which to pay the salaries, bonuses etc. of the mint. Moreover all the profits of the mint over and above its capital are all turned into the Board of Revenue, so that there is no use in reckoning these details, and we propose that hereafter when coins are minted and forwarded to the Board of Revenue to be paidout for salaries and stipends, the price at which they shall be reckoned shall be determined by the amount of silver retained by the Board in lieu of the copper coins paid out, so that the profits may be protected.

(Inclosure, No.2)

protected.

5. The affairs of the mint being of weighty importance, the officers concerned must exert themselves with sincerity in the discharge of their duties; only so can there be constant success. We can not therefore but establish a system of rewards and penalties. As the provinces of Kuangtung and Kirin have secured a great deal of profit from their coinage of copper, the Tartar Generals, Viceroys and Governors of these provinces have given extra rewards to the most energetic officials. This mint being just established will require the expenditure of a great deal of care, and we ought all the more to decide upon a system of rewards and penalties, so as to warn and encourage, and we propose to request that after the mint shall have been in operation for two or three years, and shall have become a success, that we shall select those officials who shall have been most energetic, and recommend them for reward. Those who have been in the mint less than two years shall not be included in the list. Those who do not exhibit diligence shall from time to time be discharged and replaced by others. And any found guilty of malpractices, and under-handed dealings, shall at once be reported with a list of the charges against them for punishment.

7. The profits derived by the various provinces from the coinage of silver and copper, with the exception of that which has been set aside recently for the Army Reorganization funds and the Fund for the Improvement of the Whangpoo, have been held by the provincial authorities for Extraordinary Expenses connected with Government Reforms. The Board of Revenue has already urged them to report giving detailed statement of their uses, but up to the present the most of them have not reported.

The funds received and expended by this mint in the management of its affairs are all the monies of the Board of Revenue, and we have ordered that a true report shall be made of all the actual expenditures. It shall not be allowable to imitate the various

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prepared.

various provinces in their cooked reports, but at the end of each year the Managers must direct the various officers to prepare a strict and clear account of all the receipts and expenditures of the year for report to the Financial Commission and the Board of Revenue and we, Your ministers will carefully examine the same and make report to the Throne, so that everything may be clear and businesslike.

8. This mint at the end of each year will make a statement of the coins issued during the year and the monies received in payment therefor and after deducting the cost of the copper, zinc, coal, charcoal, etc. and the expenditures for new machinery, repairs, salaries and other expenses of the mint, will reckon the nett profit, which shall be divided into ten parts, one part of which shall go to the reserve fund of the mint, and one part for bonuses, and the remainder shall be transmitted to the Board of Revenue. The one part set aside for bonuses, following the general example of the provincial mints in such matters, shall be divided into ten parts, three of which shall be divided among the Managers ~~xxxxxxxxxx~~, five parts to all the other officials connected with the mint and to the mechanics ~~xxxxxxx~~ and laborers, and two parts sent to the Financial Commission and Board of Revenue as food money (i.e. extra pay to the clerks).

As to the one part set aside for reserve, it shall year by year be added to the general fund to be appropriated for any proper expenditure.

The fore-going Regulations have been proposed after a consideration of the present conditions. But, if there should be any matter not provided for, or any need of additions or changes the propriety of such changes shall be taken into consideration from time to time, and a memorial on the subject submitted to the Throne, that proper action may be taken and the highest degree of perfection attained.

Inclosure, No.3 in No.

W.

A Memorial submitted by Prince of Ch'ing and others, Ministers of the Financial Commission, in conjunction with the Ministers of the Board of Revenue, Recommending the Experimental Coinage of Silver of a certain Weight and Fineness, and Proposing Regulations to be enforced.

(Translated from the Peking Gazette)
Nov.21st.1905

In the Regulations proposed by Your Majesties' ministers for the Central Mint at Tientsin, we said:-"The establishment of a currency system is a matter of serious importance, and we can not avoid a careful investigation to determine the proper weight and finness of the gold and silver coins, and this has yet to be thoroughly considered and decided".This was submitted in a memorial that was approved by the Throne, as the records will show. A further consideration of the matter discloses that a currency includes (a) a standard coin, and (b) subsidiary coins. The standard coin should correspond in its face value to the intrinsic value of the metals contained, and,as there can be no objection to its coinage and circulation in any amount, there need be no limit fixed. The value of the subsidiary coins will depend upon that of the standard coin, as they are to be used merely to supplement it, so that there can be no objection if their intrinsic value be somewhat less than their face value, but their coinage and circulation should be restricted. This is the general rule. The copper coins whose minting has already begun by the Central Mint are especially intended for subsidiary use, but in order to reform the currency we can not delay the determination of the standard coin. China's accumulations of gold are not large, and heretofore in public or private



(Inclosure, No.3)

private financial transactions it has been customary to use silver and copper, so that it is still difficult for us at once to decide how gold should be used.

The silver coins heretofore minted in the various provinces have imitated the Mexican Dollar in their fineness and weight, but this was sanctioned as a temporary measure only, and can not be regarded as a fixed rule. A careful examination of the currencies of other countries shows that each has selected the coin most suitable to its condition, as for instance in Great Britain the shilling, in Russia the rouble, in Germany the mark, in France the franc, in America the dollar, and in Japan the yen. They did not mutually make experiment and follow a common pattern. China in the levy and collection of her taxes and duties has mostly used the K'u-p'ing Tael, and the people, too, in the use of silver have generally made their reckonings in taels, mace, candareens, and li. Your ministers are therefore of the opinion that in fixing upon a standard coin for China we should select the K'u-p'ing Tael, mint it with extreme care and maintain its fineness in full, and that more than all else it should first of all be received by the Board of Revenue in payment of Imperial dues. If it be received by the treasury of the Board of Revenue, then the provincial treasuries can not refuse to receive it, and, if the Imperial and provincial treasuries receive it, then the District and Department officials can not refuse to receive it in payment of taxes and other public dues. And, when the mercantile classes see that it is received in payment of public dues, they too will want to get rid of the trouble of making good the weight and fineness (of silver ingots etc.), and there will be none who will not rejoice to see the new coin in general circulation. In considering the practices which have prevailed among the people both in ancient and modern times with a view to deciding upon the most suitable (unit of value) we find nothing better than this. Therefore in the Eighth Moon of last year the Viceroy of the Hukuang provinces, Chang Chih-tung, began

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the experimental coinage of the K'u-p'ing Tael, and this year Your ministers, Na-(t'ung) and others went separately to Tientsin to consult with the Viceroy of Chihli, Yüan Shih-k'ai, as to currency regulations, and the aforesaid Viceroy earnestly advocated the coinage of the K'u-p'ing Tael. Thus Your ministers having found their views to harmonize, have decided to unite in proposing that we coin a silver piece of the weight of one K'u-p'ing Tael, and use the copper coins now being minted, and the ordinary cash in circulation as subsidiary currency, and we reverently submit to the inspection of Your Majesties Ten Regulations. If they shall receive Your Majesties' approval, we, Your ministers, will then direct the Central Mint of the Board of Revenue and the provincial mints at Tientsin, Nanking, Wuch'ang, and Canton to at once proceed to coin, and, as soon as a sufficient number of the coins shall have been prepared to issue them at one and the same time. Thereafter the new silver coins shall be made legal tender in a certain fixed proportion for the payment of all debts public or private. On the other hand the minting of the coins will steadily continue until they shall gradually become sufficient for the needs of the Empire, and gradually be substituted entirely for the other silver in circulation, Thus we earnestly hope it will become the special silver coin in general use throughout the Empire and be accepted as the fixed standard, andhandled with confidence. When the silver coin shall have been successfully introduced into circulation, then we shall consider the matter of accumulating a quantity of gold for the minting of a gold coin, so that we may have a currency in three metals, able to be mutually interchanged and used together, orderly and uniform, and the question of a national currency will thus in its general outlines be settled. As to matters not provided for Your ministers will from time to time take them into consideration and deal with them in memorials for Your Majesties' consideration. Such are the suggestions which we submit with the following proposed Regulations

to

(Inclosure No. 1)

(Inclosure, No.3)

to the consideration of Your Majesties, praying that Your Majesties will decide whether or not they should be adopted, and that instructions may be issued for general observance.

Reverently submitted. Imperial Edict received:-"Respect This".

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(Inclosure, No.3)

W. **Ten Regulations regarding the Minting of the new Silver Coins, submitted by the Financial Commission and the Board of Revenue on Nov.20th.19 05, and Approved by the Throne.**

1,The new silver currency should be purer in quality than the dollars heretofore coined in various provinces and the standard unit of value must be heavier to be suitable as a national coin.

The purest silver in circulation in China to-day is shown by chemical analysis to contain not more than 98 or 99 per cent.of pure silver, but a deduction of two or three percent. should be allowed in minting the new coin to cover the cost of coinage, and it is proposed to make the new tael piece of nine mace six candareens of pure silver, mixed with one mace's weight of pure copper, to be fixed as the equivalent of one K'u-p'ing Tael of full touch.

The fractional currency shall consist (a) of a piece containing four mace eight candareens' weight of K'u-p'ing silver mixed with five candareens' weight of pure copper which shall be declared the equivalent of five mace K'u-p'ing silver full touch; (b) a piece of one mace, seven candareens' weight of K'u-p'ing silver mixed with three candareens of pure copper, to be the equivalent of two mace K'u-p'ing silver of full touch; and (c) a piece of the weight of eight candareens, five li of pure K'u-p'ing silver mixed with one candareen, five li of pure copper, as the smallest piece, to be the equivalent of one mace of K'u-p'ing silver, full touch. It is also decided that in every ten pieces minted four shall be of one tael's value, and two of the denomination of five mace, two of two mace, and two of one mace. This shall be the rule, but, if there shall be a demand

for

(Inclosure, No.3)

for a larger proportion of any particular denomination, orders shall be issued to make a careful investigation as to the real amount (in circulation) and report upon the matter to the Financial Commission and the Board of Revenue, who shall consult together and make reply, and only if they consent may the additional amount be minted. As to these coins the central and branch mints must make them exactly of the same weight and fineness, and assay and inspection must be made according to the Rules for the Regulation of the Coinage already submitted by us and approved by the Throne.

2. The one-tael coin shall be equal to two five-mace coins, or five two-mace coins, or ten one-mace coins. The small fractional coins of less than five mace shall exchange among themselves at this rate, and in all monetary transactions, public or private, they must be paid out and received at this rate; under no circumstances may a discount be charged. Any disobedience will be punished according to law.

3. The one-tael coin being the standard monetary unit, there shall be no limit to its circulation. The five-mace and other fractional silver pieces shall be legal tender in every transaction to the amount of ten taels, i.e. to the value of ten of the one-tael coins. They must not be used to pay in full amounts over ten taels, and, if offered, they may be refused in amounts over the sum specified. The rate of exchange between the copper coins and the silver, and the limit of circulation of the former will be determined after the provincial authorities shall have complied with the Regulations already submitted, by which they are required to investigate and report to the Board of Revenue the facts as to the circulation of the copper coins.

4. As to the minting of the silver coins, it is proposed that, the Board of Revenue having been ordered to coin, the Central Mint will coin several million pieces and send them to the Bank,

and

(Inclosure, No.3)

and the Board of Revenue shall send dies to the provincial mints of Chihli, Kiangsu, Hupeh, and Kuangtung, which shall at the same time mint several million pieces, whereupon the Bank of the Board of Revenue shall print paper money to the full amount of the silver coins minted, and fix a date upon which it shall be put into circulation. After its issue, the Treasury of the Board of Revenue and the Treasuries of the provinces mentioned shall first receive it in a fixed proportion, and thereafter all the provinces, the railways, the (China Merchants) steamship company, and the Telegraph Administration shall receive it in the same proportion. There must be no discrimination against it on the ground that it is not issued in their own provinces. The method of arranging the proportions shall be to fix the proportion payable in silver coins, and that payable in paper money of the Bank of the Board of Revenue, and for the present the remainder may be paid in other silver (i.e. in lump silver or the old dollars), but afterwards as the coinage of the new pieces increases in amount, the proportion payable in this may be increased until finally payments will be made entirely in the new silver coins. We request that orders be issued to all the Tartar Generals, Viceroys, and Governors, as well as to the Superintendents of Railways, of the China Merchants Steam Navigation Co. and the Telegraph Administration to comply with this regulation.

5. All provincial taxes levied in K'u-p'ing Taels shall be payable in the same amount of the new tael coins. The Collectors should have salaries definitely fixed (i.e. not be allowed to make their living by charges for exchange etc. as heretofore). Aside from the legal charge for meltage, no other charge shall be added to the sum levied, under the name of "Assaying Charges" etc. All other monies heretofore collected or paid in taels of another scale shall be converted according to the value of the tael used into their equivalent in K'u-p'ing Taels of full touch and the conversion having once been made, these sums shall forever thereafter be receivable and payable in that amount of the

new

(Inclosure, No.3)

new one-tael coins, and no variation from this rule will be allowed. We have also to request that orders be issued to all the provincial authorities to comply with this rule.

6. As China is now entering into new commercial treaties with the various foreign powers which provide for the adoption of a uniform national coinage which the merchants of foreign nationalities residing in China shall use, it becomes necessary to request that the Board of Foreign Affairs be instructed that at the time of the issue of the new coinage despatches must be sent to the various foreign Ministers, and to the Consuls at the various treaty ports, and notification made to the Commissioners of Customs, that they may all thereafter uniformly use the new coins. The customs duties have heretofore been levied and collected in Hai-kuan Taels, and orders must be issued to the Commissioners of Customs thereafter in accordance with the provisions of the commercial treaties to convert the duties levied in Hai-kuan Taels into their equivalents in K'u-p'ing Taels and collect accordingly.

7. On the day when the new coins are put into circulation the Viceroys and Governors of the various provinces must issue instructions to the local authorities to put out proclamations/ informing the merchants and all people that whatever accounts they may have, old or new, and whatever commercial transactions may take place in the markets, the original amounts according to the value of the taels in which they may be reckoned must be converted into their equivalents in K'u-p'ing Taels of full touch and paid in that amount of the new silver coins, and such payment may not be refused.

8. As all Viceroys, Governors, other officials, merchants, soldiers, and common people in all the provinces must use the new coins, all may send their silver to be minted, and the Central Mint, and the Branch Mints at Tientsin, Nanking, Wuchang, and

Canton

Canton will coin it for them. Every tael of K'u-p'ing silver of full touch will be refined to pure silver .985 fine or finer, in return for which (Tl 0.985) they will receive one of the new tael coins. Fractional coins of the denomination of five-mace two-mace, and one-mace will also be minted for them in the proportions set forth above. The excess in the fineness of the silver will pay the cost of minting, and thus there will be nothing to make good on either side.

Silver of inferior quality, foreign silver coins, and the silver dollars heretofore minted in the various provinces may also be sent in to be re-minted, the amount of the new coins given in exchange being determined by the amount of pure silver contained, that is their value will be determined in K'u-p'ing taels of full touch, and new coins issued accordingly.

9. When the new coins are first issued and the people are still unfamiliar with them, there will almost surely be attempts made among the merchants in exchanging them to discriminate against them (boycott them) or to discount them. The Bank of the Board of Revenue, the Customs Banks in the various provinces, and other official banks and cash shops must be charged with the responsibility of seeing that any one bringing the new silver coins to exchange for paper money, bullion or copper coins, or desiring to exchange paper money, silver bullion, or copper coins for the new silver coins shall receive just treatment on the basis of one K'u-p'ing tael being the equivalent of one tael in the new coinage. There must be no extortion. Orders must be given also to investigate the markets, and, if any mercantile firms are found raising or lowering the rate of exchange at their own pleasure, report shall be made for cases in Peking to the Financial Commission and the Board of Revenue, and for the provinces to the Tartar Generals, Viceroys and Governors concerned, who shall investigate and severely punish the offense, so as to enforce the Coinage Regulations .

10. These Regulations must be published in the official gazettes

(Inclosure, No.3)

zettes for the information of the people, and we have to request that orders be issued to the Tartar Generals, Viceroys, and Governors of the various provinces that at the time when the new coins are issued, they must instruct the Department and District Magistrates to print these Regulations in large characters in proclamations which must be posted in all the cities, villages, and market towns of their jurisdictions, that the people on seeing the same may become thoroughly acquainted with the matter, and that thus the yamen clerks may be kept from cheating them.

We have received the Imperial Rescript approving these regulations.

"Respect This".

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* This passage in No.4 is rather vague.The proportions in which the new silver coins and the paper money shall be receivable in payment of public and private debts is as yet undetermined. It will be necessary first to get some idea of the volume of the currency needed for the business of the Empire. This will be a much larger sum than the mints can issue in the immediate future, so that the Commission does not propose to retire at once the various forms of silver money already in use. They propose as a temporary expedient to double the volume of the new currency by issuing a paper tael for every silver one, and when the date of inaugurating the new system arrives, the Commission will announce the proportions in which one's debts may be paid in the new silver coins and in paper, and allow the balance for the present to be paid in old dollars, sycee, etc. As the volume of the new silver coinage increases, these proportions will be changed, and, presumably, the paper gradually withdrawn, as well as the old coins, until only the new silver shall remain in circulation. E.T.W.

Inclosure, No.4 in No. 168.

W. Imperial Edict of November 19th. 1905, Authorizing the Coinage of Taels and Fractions of the Tael in Silver.

(Translation)

"The Financial Commission has submitted a memorial, reporting the result of its deliberations upon the subject of a silver coinage, and its recommendations as to the weight and fineness of the coins, together with the regulations proposed for their issue. According to the statements of this memorial the coinage of silver dollars heretofore in the various provinces was but a temporary arrangement, and may not be considered as furnishing an established rule. Now that a national coinage is about to be adopted, it is proposed to coin pieces of the weight of one K'u-p'ing Tael, which shall be the unit of value, and in addition to mint three other silver pieces of the weight of five mace, two mace, and one mace respectively, to be circulated in conjunction with the new copper pieces and the old cash.

The reform of the currency is the most important matter at present connected with the financial administration. Let the Board of Revenue proceed with the minting, and let the Chief Mint in accordance with the proposed regulations notify the branch mints of Chihli, Kiangsu, Hupeh, and Kuangtung to issue these coins without delay, to be put into circulation as legal tender for all public collections and disbursements, that thus the confidence of the people may be secured. In all matters not yet settled the Prince and High Ministers must investigate the circumstances and report from time to time suggesting a course of procedure.

As for the rest let the matter be dealt with as proposed."

"Respect This."

Inclosure, No.5 in No. 168.

5

LEGATION OF THE UNITED STATES OF AMERICA,
PEKING, CHINA.

Tientsin & Peking Times, Dec. 7. 1905

Further Coinage Regulations.

The Board Revenue and the Council of Government Finance have submitted a memorial requesting that a limit be placed on the output of copper coins by the provinces. They point out that the coinage of gold, silver and copper in foreign countries is properly regulated and the rate of exchange well adjusted. At present, there is no limit set on the coinage of copper coins in the provinces. The Viceroys and Governors endeavour to extend the circulation of copper coins simply on account of its profit, and the output increases each day. The result, is that one province strives for its exportation while the other province prohibits strictly its importation. It is evident that the copper coins are now sufficient to meet the demand. The more the output increases, the more copper and lead have to be purchased and the more the price of copper coins will necessarily fall. The old to-cash pieces coined by the mints of the Boards of Revenue and Works, are worth but two cash, which may be taken as an example. In future, when the profit becomes less, it will not only involve loss of capital, but will also drive up the price of the supplies in the market; the consequence will be loss to the Government and distress to the people.

China has agreed in the commercial Treaties settled with the foreign countries, to adopt a uniform currency, and unless a remedy is applied, the situation will be hopeless and we shall be laughed at by foreigners. It has therefore been decided that the coinage of copper coins should be limited:—the daily output for Kiangsu, Hupei, and Kuangtung to be not more than one million pieces, Chihli, and Szechuan not more than 600,000 pieces, and other provinces not to be more than 300,000 pieces. The quality and weight are to be uniform according to the regulations sanctioned by the Throne. Shansi and Shensi can have their supplies from the Imperial mint, Kueichou from the Szechuan mint, while in other provinces where there are no mints existing there should be no attempt to establish them.

The importation of copper coin blanks from foreign countries has been prohibited, but those orders made previous to the enforcement of the rule, will be allowed to hold good. But as they are purchased from different countries, their quality and weight will certainly not be uniform. If they are put into circulation by simply stamping them, it will make matters more complicated. After taking delivery, they must be melted down and recoined after the regulations approved for dealing with alloy. Should any of the copper coins be found not in agreement with the rules as regards weight and quality, the officials concerned will be severely impeached. Even the purchase of copper must first be sanctioned by the Council of Finance and Board of Revenue.

The names of the mints existing should not be used any longer, and the words Hu-pu Tsao Pi Fên-ch'ang 戶部造幣分廠 prefixed with the name of the province, that is sub-mint of the Board of Revenue of a certain province, should be adopted. The matrices used at present are of different shapes and the minting should be stopped temporarily (three months) until the issue of new ones by the Board of Revenue. In the meantime, detailed reports should be submitted regarding the quantity of copper coins stamped since the commencement, the number in stock, the demand of the people, the circulation in the market, the localities, and the materials for minting in stock. The report must be in within three months, so as to enable the Council of Finance and the Board of Revenue to form an idea of the amount which is already in circulation and the quantity which is to be made.

Official exchange and assaying offices are to be established in connection with the Board of Revenue Bank for the fixing of a uniform price of silver and copper, so that there will be no danger of there being an over-flow of copper coins and frequently fluctuations of the rate of Exchange. The attention of the Viceroys and Governors is called to the unreliability of the profit obtained from coinage. It is requested that orders be issued to the provinces that funds should be raised from other sources for the military organization and other reforms.

Imperial Rescript: Let it be as proposed.

Inclosure, No.6 in No.

LEGATION OF THE UNITED STATES OF AMERICA,
PEKING, CHINA.

Peking & Tientsin Times, Dec. 7. 1905

Punishment for Disobedience.

EXTENSIVE COINAGE AND EXPORT OF COPPER COINS.

A Memorial has been submitted by the Council of Government Finance and the Board of Revenue requesting that the officials at the mints in Chêkiang and Fukien be punished for a breach of regulations. It is clearly stated in the currency reform regulations that the copper coins stamped by a certain province should first be circulated in its own province, and not be exported in large quantities to other provinces. This has been approved by Imperial Rescript and was notified to the provinces in the form of circular on the 21st day, 7th Moon, this year. A despatch has now been received from the Wai Wu Pu stating that the British Minister has been notified by the Chefoo Consul that a British firm has imported from Shanghai 35 boxes of copper coins under bond, the landing of which has been prohibited by the Commissioner of Customs. Telegraphic inquiry was made at once, and in reply the Viceroy of Liangkiang wired that a bond has as a rule, to be signed by foreigners for the export of silver, both in coins and bullion, but lately, for the transportation of copper coins, a Huchao of the province where the coins are minted has to be provided. A British merchant shipped from Shanghai for Chefoo 35 boxes of Chêkiang copper coins, covered by Huchao from the Chêkiang Governor Nieh Chikuei, on the strength of which the Shanghai Customs granted permission for its release. Besides, this there is another lot of 230 boxes of copper coins waiting to be shipped to Tsintau from Chêkiang province.

It is stated in a separate telegram of the said Viceroy that Chung Shan, Tartar-General of Foochow, has telegraphed to the effect, that the Foochow copper mint had to stamp in haste 14 millions of copper coins, in order to pay off the debt due for copper obtained in Shanghai. In addition to the 4 millions already shipped to Shanghai, the balance will be shipped in lots. Three telegrams have been sent stopping this, but a telegraph message has been received saying that 8 millions have already been put on board for export on the night of the 12th day (10th Moon.) According to the regulations sanctioned, in any case of violation of the rules, the mint in question will be ordered to discontinue the coinage and the officials concerned be impeached and dealt with strictly. The provincial authorities have already been notified of these rules. Now, the Chêkiang and Fukien Provinces have not only disobeyed the order of discontinuing the export of copper coins, but have attempted to have more sent out. They are heedless of the new rules. It is requested that the officials concerned at the mints of two provinces be referred to the proper Board, to consult and decide on what punishment is due. The Chêkiang Governor Nieh Chi-kuei, and Tartar-General Chung Shan having issued and Huchao after receipt of the regulations, and thereby caused the exportation of copper coins in large quantities, are also blameable and their names are to be handed to the Board for treatment.

Imperial Rescript: Let it be as proposed.

Enclosure No. 2, in Despatch No. 168.

(Note: Written by Guy Hillier, Esq., Agent for the Hongkong and Shanghai Banking Corporation, Peking, and given me by the British Minister, on December 1, 1905)

(OBSERVATIONS ON THE PROPOSED NEW CURRENCY REGULATIONS)

(1) Pure silver is fixed by the practice of the markets at 998 fine. It is not stated how it is proposed to force upon the bankers and merchants a Kuping tael of 96 touch in the place of a Kuping tael of pure silver. Foreign banks would only accept it at its bullion value, that is, at 3.80 per cent discount; and the government, accepting revenue in that currency, would stand to lose to a corresponding extent, though provision would appear to have been made against this in Clause 5.

As stated in the Memorial accompanying the Regulations "the amount of metal contained in an unit of value must correspond to its value as a coin." The proposal to coin a reputed pure Kuping tael of 96 touch is obviously in direct conflict with this important principle. Its touch should not be less than 998 fine; and its weight could be fixed in accordance with that stated in the report of Sir Robert Hart to the Tsungli Yamen of the 30th September, 1895, namely 575.82 grains Troy. The reputed Kuping tael of pure silver should therefore contain grains 575.82 x 998 = 574.66836 grains of pure silver, as much alloy being added to this as may be thought necessary for minting purposes. To depreciate its value below this is to depreciate the unit of value; and, if any charge for minting is to be made, it should be collected independently.

The British unit of value, namely the sovereign, is coined without charge, and any person may exchange bar gold at the

Enc. No. 2, in Desp. No.

Bank of England for sovereigns at the rate of Pounds 3. 17s. 9d. per ounce standard, less a charge for assaying which is inappreciable. The Bank of England pays its own assay charges. The Bank of France exchanges gold coin for bars for a charge of about 1 per mille. Something may no doubt be claimed for workmanship and the convenience of a reliable coin of fixed weight and touch; and it has to be noted that India, in free coinage days, appears to have made a charge of 2 per cent for the rupee, and Bombay now makes a similar charge for the British Dollar.

It seems however very essential for the success of the currency reform contemplated by China that the unit of value should be exchanged for bullion by the mints without charge, at least in the early stage of the experiment, the profits on the subsidiary coinage, which will be very large, being relied on to cover the deficiency.

The 5 mace piece should of course be of the same standard as the Tael coin. The two and one mace pieces might probably be made of even lower touch than 85, provided a legal tender limit is fixed, and their face value is supported by making them exchangeable at the Hu-pu Bank or Mint, in reasonably large amounts, for their equivalent in standard Kuping coin.

(4) "The Board of Revenue Bank will print paper currency equal to the Total amount". Of what? The context would appear to show that it is for the amount of the coins struck and, if it were proposed to hold the latter, or a part of them, as a reserve for note issue, the operation would be legitimate. Evidently this is not the intention, since the Clause goes on to propose the forced circulation, side by side, of both coin and notes in proportions to be fixed by law, and adjusted from time to time in favour of the former. In the absence of any details as to the security for the note issue, and the conditions

Enc. in Desp. No. (No.2)

under which it is to be controlled, it is impossible to offer any remarks.

(9) As remarked before, foreign banks would only accept the coin at its bullion value; and, in exchange operations where payment is to be made in such coin, as for instance for the service of the indemnity or of the foreign loans, their quotations would be adjusted to that basis.

RESPECTFULLY REFERRED
TO THE SOLICITORS.

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SOLICITOR'S OFFICE,
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Deeds referred to in P 3 have been withdrawn & are filed in Bureau of Asia's office.

No. 169. December 11, 1905.

CHIEF CLERK
JAN
16
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DEPARTMENT
OF STATE.

Mr. Rockhill to the Secretary of State.

Subject:

Acknowledging receipt of Department Instruction No. 65, re certain lands in the Legation quarter belonging to Mr. Herbert G. Squiers.

No. 169.

AMERICAN LEGATION,
PEKING, CHINA.

December 11th. 1905.

To the Honorable

Elihu Root,

Secretary of State,

Washington, D. C.

Sir:- I have the honor to acknowledge the receipt of your instructions, No. 65, of Oct.21, relating to certain lands in the Legation Quarter, Peking, belonging to Mr. Herbert G. Squiers.

In reply, I have the honor to state that the Department's understanding of the matter is entirely correct;- that the description of the property sent with Mr.Coolidge's No. 1830, of March 9 last, covers the entire tract of land

to

(No.)

to be purchased. The amount said to have been paid therefor is, according to the deeds, 18,303.05 Kungfa taels. A sum of Taels 2,575 is to be sent to this Legation to be paid to Mr. Ch'en, and the balance of the sum agreed upon between Mr.Herbert G.Squiers and the Department of State is to be paid to Mr.Squiers. Upon receipt of the Taels 2,575 due Mr.Ch'en he will give a deed to the United States for his portion of the land, and the balance of the property in question is covered by the eleven deeds returned to this Legation with instructions, No.11 of April 18 last and the two deeds forwarded to the Department in Mr. Coolidge's No. 1830 of March 9 last.

In compliance with your instructions I have the honor to return under separate cover the eleven deeds, just referred to, and a parcel of old deeds relating to various portions of the property.

I have the honor to request that the Taels 2,575, due

Mr.

(No.)

Mr. Ch'en, be forwarded to this Legation at as early a date as possible, as Mr. Ch'en is in dire distress, and makes frequent visits to the Legation, praying for relief.

I have the honor to be,

Sir,

Your obedient servant,

W. W. Rockhill

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No. 170.

December 16, 1905.

CHIEF CLERK
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Mr. Rockhill to the Secretary of State.

Subject:

Appointment of Lu Cheng-hsiang as Chinese Minister to The Netherlands.

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No. 170.
CJ.

AMERICAN LEGATION,
PEKING, CHINA.

December 16, 1905.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

At the request of the Foreign Office I have the honor to report that by an Imperial Edict of November 16th, 1905, Lu Cheng-hsiang has been appointed to the new post of Chinese Minister to The Netherlands. This is the first important office which he has been called upon to fill.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

AMERICAN LEGATION,
PEKING, CHINA.

December 14, 1905.

To the Honorable
William Rockhill,
Secretary of State,
Washington, D.C.

Sir:

At the request of the Foreign Office I have the honor to report that by an Imperial Edict of November 25th, the Chinese Minister to The Netherlands has been appointed Chinese Minister to The Netherlands. This is the first Legation office which he has been invited upon to call.

I have the honor to be, Sir,

Your obedient servant,

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No. 171.

December 16, 1905.

Mr. Rockhill to the Secretary of State.

Subject:

Transfer of powers and functions of Korean Legation and Consulates in China to Japanese Diplomatic and Consular representatives. Recall of Chinese Minister to Korea.

No. 171
RJ.

AMERICAN LEGATION,
PEKING, CHINA.

December 16, 1905.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to transmit herewith copy of a letter addressed by the Japanese Minister to the Dean of the Diplomatic Body informing him that in consequence of the agreement concluded between Japan and Korea on November 17th last, the Korean Legation and Consulates in China had now been withdrawm. Their powers and functions have been transferred to the Japanese diplomatic and consular representatives respectively.

The Chinese Minister to Korea was withdrawn by his Government on or about the first of this month.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:

1. Mr. Uchida to Baron von Mumm, December 14, 1905.

Enclosure No. 1 in Despatch No. 171

(Mr. Uchida to Baron von Mumm)

(Translation)

Legation du Japon en Chine.

Peking, 14 December, 1905.

Mr. Minister and dear Doyen:

I have the honor to inform Your Excellency that under instructions from the Imperial Government I have, by an official despatch of today's date, notified the Chinese Government of the withdrawal of the Korean Legation and Consulates in China and the transfer of their powers and functions to the Japanese diplomatic and consular representatives respectively, in consequence of the agreement concluded between Japan and Korea on the 17th ultimo.

I beg to request that you will be good enough to communicate this to my honorable Colleagues.

I avail myself of this opportunity, Mr. Minister and dear Doyen, to renew to you the assurance of my highest consideration.

(Signed) Y. Uchida.

His Excellency, Baron Mumm,

Minister of Germany and Doyen of the Diplomatic Body.

Enclosure No. 1 in Despatch No. 171

(Mr. Uchida to Baron von Mumm)

(Translation)

Legation du Japon en Chine.

Peking, 14 December, 1920.

Mr. Minister and dear Doyen:

I have the honor to inform Your Excellency that under instructions from the Imperial Government I have, by an official despatch of today's date, notified the Chinese Government of the withdrawal of the Korean Legation and Consulates in China and the transfer of their powers and functions to the Japanese diplomatic and consular representative respectively, in consequence of the agreement concluded between Japan and Korea on the 17th ultimo.

I beg to request that you will be good enough to communicate this to my honorable Colleagues.

I avail myself of this opportunity, Mr. Minister and dear Doyen, to renew to you the assurance of my highest consideration.

(Signed) Y. Uchida.

His Excellency, Baron Mumm,

Minister of Germany and Doyen of the Diplomatic Body,

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No. 172.

December 18, 1905.

Mr. Rockhill to the Secretary of State.

Subject:

Floating Mines between Shanghai and ports of North China. Measures being taken to discover and destroy them.

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No. 172.
CJ.

AMERICAN LEGATION,
PEKING, CHINA.

December 18, 1905.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

Referring to Legation despatch No. 1843, of March 28th, 1905, with regard to the danger to navigation between Shanghai and northern ports resulting from the presence of floating mines, I have the honor to report that on March 30th last the Senior Consul in Shanghai at the request of
1/ the local Chamber of Commerce telegraphed to the Doyen of the Diplomatic Corps asking that the Chinese Government be urged to take some steps to ensure the safety of shipping.
2/ The Doyen thereupon wrote to the Foreign Office and in reply was informed that the Superintendent of trade for the North had been advised of the matter and had reported that he had sometime previously sent two vessels to discover and destroy floating mines, and that the same ships would again be despatched to renew the search.

3/ On October 16th the Senior Consul again wrote to the Doyen of the Diplomatic Corps enclosing a letter addressed to him by the local Municipal Council calling attention to the continuance of this dangerous condition as shown by the recent distruction of a steamer through contact with a floating mine, and suggesting that fishermen should be incited by pecuniary rewards to locate and report the presence of these dangers to navigation.

A further representation was then made to the Foreign
4/ Office, in which the suggestion of the Municipal Council was embodied, and a note to this effect was sent to the Senior Council.

5/ The Foreign Office has sent a preliminary reply to this note, stating that its contents has again been communicated to the Superintendent of Trade for the North with a view to suitable action.

As Tientsin and Newchwang are now closed for the winter the amount of shipping traversing the Gulf of Chihli is very much diminished and it is hoped that by the time these ports are again open in the Spring, the efforts of the Chinese Government, aided by natural causes, will have been successful in practically clearing the routes of trade of these very serious dangers to navigation.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1. Telegram Mr. Knappe to Baron von Mumm, 3/30/05.
2. Note, Foreign Office to Baron von Mumm, 4/6/05.
3. Senior Consul, Shanghai, to Baron von Mumm, 10/6/05.
4. Baron von Mumm to Prince of Ch'ing, 11/11/05.
5. Prince of Ch'ing to Baron von Mumm, 11/15/05.

Enclosure No. 1. in Despatch No. 172

THE CHINESE TELEGRAPH COMPANY.

Telegram No. 146/12875 69 Words.

Given in at SHANGHAI, the 30/3 1905, 5:25 P.M.

Germania,

Peking.

No. 22 Chamber of Commerce brings to the notice of the Doyen in Peking the danger to navigation between Shanghai and the North owing to the number of mechanical floating mines the Chamber requests to urge the Chinese Government to at once take steps to insure the safety of not only the shipping but of the lives of those who are engaged in the Northern traffic.

KNAPPE.

ALL LINEN

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Enclosure No. 2 in No. 172.

COPY OF A LETTER FROM THE FOREIGN OFFICE TO THE DOYEN OF THE DIPLOMATIC CORPS.

Translation.

We have the honor to acknowledge the receipt of Your Excellency's note informing us that you had received a telegram from the Consular Body at Shanghai to the effect that the Chamber of Commerce of that city had called attention to the floating mines in the Yellow Sea between Shanghai and the ports in North China, and to the danger to shipping caused thereby; they request therefore that measures be taken to protect navigation and prevent loss of life.

Upon receipt of Your Excellency's note this board telegraphed at once to the Superintendent of Trade for the North directing him to order that an investigation be made immediately and that the necessary measures be taken. We have now received a reply from him in which he states that having been previously informed of the floating mines in the Gulf of Pechili, he had already despatched the vessels Haich'en and Feiying to search for and destroy them, but that he would repeat the orders to the same vessels, and direct that they make a careful search.

It becomes our duty to send this note to Your Excellency for your information, and we take the opportunity to wish Your Excellency the compliments of the season.

Third Moon, 2nd Day. (April 6th 1905)

Enclosure No. 3 to No. 172.

COPY OF A LETTER FROM THE NON-LOAN OFFICE TO THE DOYEN OF THE DIPLOMATIC CORPS.

Translation.

We have the honor to acknowledge the receipt of Your Excellency's note informing us that you had received a telegram from the Consular Body at Shanghai to the effect that the Commander of Gunboats of that city had called attention to the light-ship there in the Yellow Sea between Shanghai and the ports in North China, and to the danger to shipping caused thereby, the request therefore that measures be taken to protect navigation and prevent loss of life.

Upon receipt of Your Excellency's note this Board telegraphed at once to the Superintendent of Trade for the North directing him to order that an investigation be made immediately and that the necessary measures be taken. We have now received a reply from him in which he states that having been previously informed of the floating mines in the Gulf of Pechili, he had already despatched his vessels Haiyuen and Haiyang, to examine for and destroy them, but that as would report the orders to the same vessels, and direct that they make a careful search.

It becomes our duty to send this note to Your Excellency for Your information, and we take this opportunity to renew Your Excellency the compliments of the season.

Shanghai, 2nd May, (April 4th) 1900.

Enclosure No. 3. in Despatch No. 172.

Council Room, Shanghai,
6th October 1905.

Sir:

There is reason to believe that the track of steamers between Shanghai and the northern ports is studded with explosive mines, and it is the Council's opinion that much might be done toward their clearance if representations were made in the proper quarter.

The recent disaster which overtook the steamship "Isieh-ho" on the 30th ultimo, involving considerable loss of life, is a matter which cannot be sufficiently deplored, and I have the honour to suggest, for the consideration of the Consular body, the advisability of making representations to the Chinese Government in Peking with a view to the riddance from the seas of this dahgerous outcome of the war.

It has been suggested that if pecuniary rewards were offered to the fishermen on the coast who located and were instrumental in conveying information as to the position of floating mines to certain specified ports, arrangements might be made between the Ch[illegible]e and foreign Governments to hold vessels of war in re[illegible]o proceed to the spot indi cated with a view to the [illegible]uction. If the rewards were sufficiently large [illegible] fishermen would doubtless combine and arrange that [illegible] of their number should stand-by the mine until assistance arrived.

I have the honour to be, Sir,

Your obedient servant,

(Sig) J. ANDERSCH,
Chairman.

To Dr. Knappe,
Consul General for Germany,
and Senior Consul.

Enclosure No. 3 in Despatch No. 172.

Council Room, Shanghai,
6th October 1905.

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It has been suggested that if pecuniary rewards were offered to the fishermen on the coast who located and were instrumental in conveying information as to the position of floating mines to certain specified ports, arrangements might be made between the Chinese and foreign Governments to hold vessels of war in readiness to proceed to the spot indicated with a view to the destruction. If the rewards were sufficiently large the fishermen would doubtless combine and arrange that one or their number should stand-by the mine until assistance arrived.

I have the honour to be, Sir,

Your obedient servant,

(Sig) J. ANDERSON,
Chairman.

To Dr. Knappe,
Consul General for Germany,
and Senior Consul.

Enc. 4 in Des. No. 172

Monseigneur,

J'ai eu l'honneur, précédemment, de m'addresser a V. A. I. en la priant de vouloir bien provoquer des mesures efficaces de la part du Gouvernement Chinois, afin d'écarter le terrible danger que les mines de mer offrent à la navigation internationale, dans les eaux avoisinantes la Chine. Un autre grand vaisseau et nombre de vies humaines viennent de périr, victimes de ce fléau.

Le Doyen du Corps Consulaire à Shanghai a eu de neuveau recours a notre entremise, en signalant la menace que ces mines constituent pour la navigation entre Shanghai et les ports du Nord de la Chine. Mes honorable Collègues se sont associés à cette demande. J'ai donc l'honneur, en ma qualité de Doyen du Corps Diplomatique, d'attirer l'attention de V. A. I. sur le fait que les mesures prises jusqu'à présent pour anéantir les mines flottantes aux abords des côtes de la Chine, ont été insuffisantes, et qu'il semble être d'extrême urgence que des mesures plus efficaces soient prescrites.

Les commercants interessés de Shanghai ont suggéré l'idée d'intéresser les pêcheurs à la destruction des mines en allouant des primes à ceux qui en découvriraient. Ils pourraient, pourvu que ces primes fussent suffisantes, se mettre à la poursuite des mines par petites flotilles, ceux qui en découvriraient laisseraient quelques uns d'entre eux auprès de la mine flottante tandisque d'autres iraient demander l'assistance des batiments spéciaux ou de la marine internationale.

Je profite etc. etc.

(signe)

A. v MUMM

Translation

Enclosure No. 4 in Despatch No. 172.

To FO. No. November 11, 1905.

Your Imperial Highness:

On a previous occasion I had the honor to address Your Imperial Highness begging you to instigate effective measures on the part of the Chinese Government to remove the terrible danger to international navigation caused by the presence of floating mines in the waters adjacent to the coast of China. Another fine vessel and many lives have recently been lost, falling victims to this scourge.

The Senior Consul in Shanghai has again had recourse to our interposition, pointing out the menace which these mines offer to navigation between Shanghai and the ports of North China.

My honorable Colleagues have joined me in this request. I have, therefore, the honor, in my capacity as Doyen of the Diplomatic Corps, to invite the attention of Your Imperial Highness to the fact that the measures taken, up to the present time, to destroy the mines floating along the coast of China have been insufficient, and that it appears to be most urgent that more effective steps should be ordered.

The business people of Shanghai who are concerned have suggested the idea of interesting the fishermen in the destruction of mines, by giving bounties for their discovery. If these bounties were sufficient they might organize small flotillas to search for mines, on the discovery of which some of the boats could remain in the vicinity of the mine

Translation.

Enclosure No. 4 in Despatch No. 172

To F.O. No. November 11, 1905.

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while others went to call for the assistance of special vessels or war-ships.

I avail myself of the occasion etc. etc.

(Signed) A. v. MUMM.

Enc. No. 4 in Desp. No. 172

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I avail myself of the occasion etc. etc.

(Signed) A. v. MUMM.

Enclosure No 5 in Despatch No. 172.

F.O. to the Dean.

W.

Rec'd.Nov.15 1905.

Despatch from H.I.H. Prince of Ch'ing, President of the Board of Foreign Affairs, to Baron de Mumm, H.I.G.M's. Minister to China, and Dean of the Diplomatic Corps, in re Destruction of Floating Mines in the China Sea.

On the 15th. of the Tenth Moon, XXXI Year Kuanghsü (Nov.11, 1905) I had the honor to receive a despatch from Your Excellency, saying that you had already requested my Government to adopt measures for the removal mines floating on the surface of the sea, and that now another large vessel had fallen a victim to this evil, and that therefore the Senior Consul at Shanghai had called attention to the inadequacy of the measures so far taken for removing the danger from these floating mines in the sea between Shanghai and the northern ports, and that it might be well perhaps to interest the fishermen in the matter of their removal and thus get rid of the danger.

As to this matter, in the Third Moon of the present year I received a note from Your Excellency with regard to measures

for

for searching for the floating mines, and my Board thereupon telegraphed to the Superintendent of Trade for the North, and sent a reply to Your Excellency, as the records will show.

Later I received a communication from the Superintendent of Trade for the North, saying that he had sent the Hai-ch'en and other vessels to make search, and that they had secured three mines.

On the receipt of Your Excellency's present despatch I have sent instructions to the Superintendents of Trade for the South and the North to deal with the matter, and for the present I send this reply, as in duty bound, for Your Excellency's information.

A Necessary Despatch.

(SEAL) Kuanghsü XXXI Year, Tenth Moon, 19th. Day.
(Nov.15th .19 05)

ASSISTANT SECRETARY,
JAN 31 1906

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CHIEF CLERK
JAN 31 1906
DEPARTMENT OF STATE.

RECEIVED FEB 1 1906 DIPLOMATIC BUR. DEPT. OF STATE

Copy to Interior Feb. 5

No. 173.

December 18, 1905.

Asked personally Feb. 5

FOR RELS. 1905.

Jan 23 to Govt.

Mr. Rockhill to the Secretary of State.

Subject:

Informing of an arrangement made with the Italian Minister for the reciprocal protection of trade marks in China.

INDEX BUREAU FEB 20 1906 FILED

No. 173
RJ.

AMERICAN LEGATION,
PEKING, CHINA.

December 18, 1905.

FOR RELS. 1905

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

Referring to my despatch No. 165 of December 6th, 1905, informing you that I had effected an agreement with the German Minister for the reciprocal protection of trade marks in China, I now have the honor to inform you that I have this date made a similar arrangement with the Italian Minister.

I have the honor to enclose herewith copies of the notes exchanged with the Italian Minister.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1. Mr. Rockhill to Mr. Baroli, December 18, 1905.
2. Mr. Baroli to Mr. Rockhill, December 18, 1905.

Enclosure No. 1 in Despatch No. 173.

December 18, 1905.

His Excellency, Monsieur Carlo Baroli,

etc. etc. etc.

Envoy Extraordinary and Minister Plenipotentiary of Italy.

Mr. Minister and dear Colleague:

The Government of the United States being desirous of reaching an understanding with the Government of Italy for the reciprocal protection against infringement in China by citizens and subjects of our respective nations of trade marks duly registered in the United States and Italy, I am authorized by the Secretary of State of the United States to inform you that effectual provision exists in American Consular Courts in China for the trial and punishment of all persons subject to the jurisdiction of the United States who may be charged with and found guilty of infringing in any way trade marks of persons subject to the jurisdiction of Italy which have been duly registered in the United States.

I beg that you will kindly inform me whether American citizens are entitled to the same legal remedies in the Consular Courts of Italy in China as regards the protection from infringement of their trade marks duly registered in Italy.

I have the honor to be,

Mr. Minister and dear Colleague,

Your obedient servant,

(Signed) W.W.ROCKHILL.

His Excellency, Monsieur Carlo Baroli,

etc. etc. etc.

Italian Legation, Peking.

Enclosure No. 1 in Despatch No. 173.

December 18, 1905.

His Excellency, Monsieur Carlo Baroli,

etc. etc. etc.

Envoy Extraordinary and Minister Plenipotentiary of Italy.

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I beg that you will kindly inform me whether American citizens are entitled to the same legal remedies in the Consular Courts of Italy in China as regards the protection from infringement of their trade marks duly registered in Italy.

I have the honor to be,

Mr. Minister and dear Colleague,

Your obedient servant,

(Signed) W.W.ROCKHILL.

His Excellency, Monsieur Carlo Baroli,

etc. etc. etc.

Italian Legation, Peking.

Enclosure No. 2 in Despatch No. 173.

(M. Carlo Baroli to Mr. Rockhill.)

Translation.

Peking, December 18, 1905.

Mr. Minister:

I have the honor to acknowledge the receipt of your note of today's date by which you inform me that you have been authorized by your Government to conclude an arrangement with the Italian Legation by means of an exchange of notes, for the reciprocal protection in China of American and Italian trade marks, and that hereafter infringements of trade marks the property of Italian subjects and duly registered in the United States by persons subject to the jurisdiction of American Consular Courts in China will be tried by the latter according to law.

Having been duly authorized thereto by the Royal Government, I am pleased to inform you that hereafter infringements of trade marks of American citizens, duly registered in Italy, by persons subject to the jurisdiction of the Italian Consular Courts in China will in first instance be tried according to the law by said Courts and on appeal by the Royal Court of Appeal of Ancona.

Please accept, etc. etc.

(Signed) C. BAROLI.

Enclosure No. 2 in Despatch No. 173.

(M. Carlo Baroli to Mr. Rockhill.)

Translation.

Peking, December 18, 1903.

Mr. Minister:

I have the honor to acknowledge the receipt of your note of today's date by which you inform me that you have been authorized by your Government to conclude an arrangement with the Italian Legation by means of an exchange of notes, for the reciprocal protection in China of American and Italian trade marks, and that hereafter infringements of trade marks the property of Italian subjects and duly registered in the United States by persons subject to the jurisdiction of American Consular Courts in China will be tried by the latter according to law.

Having been duly authorized thereto by the Royal Government, I am pleased to inform you that hereafter infringements of trade marks of American citizens, duly registered in Italy, by persons subject to the jurisdiction of the Italian Consular Courts in China will in first instance be tried according to the law by said Courts and on appeal by the Royal Court of Appeal of Ancona.

Please accept, etc. etc.

(Signed) C. BAROLI.

3rd ASST. SECRETARY.
FEB 1 1906

CONSULAR BUREAU.
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ASSISTANT SECRETARY,
JAN 31 1906

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No. 174.

December 20, 1905.

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OF STATE.

Mr. Rockhill to the Secretary of State.

Subject:

The necessity for the assignment of a Vice Consul to Foochow.

Mr Baker appts V.C. & marshal

File

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No. 174.
CJ.

AMERICAN LEGATION,
PEKING, CHINA.

December 20, 1905.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to report that Mr. Samuel L. Gracey, our Consul at Foochow, has written requesting that someone should be sent in the capacity of Vice Consul or Marshall to help in the work of his office, and asking whether a Student Interpreter could not be detailed for this purpose. There is but one student at present in Peking, and his course of instruction will not be completed for over a year, consequently he is not available. It seems to me that in these times it is desirable that there should be more than one American in a Consulate of the importance of Foochow to whom the work of the Government might be entrusted in case of emergency.

I have therefore the honor to endorse Mr. Gracey's request that someone be appointed to assist him.

The Hangchow Consulate is of little or no importance, and on the arrival of the new Consul the student now in charge of that port, Mr. Cloud, might be utilized for this purpose.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

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ACKNOWLEDGE,
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3rd ASST. SECRETARY.
FEB 1 1906

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ASSISTANT SECRETARY,
JAN 31 1906

Mr Loomis

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No. 175

December 22, 1905.

File Sys

CHIEF CLERK
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1906
DEPARTMENT
OF STATE.

Mr. Rockhill to the Secretary of State.

Subject:

Consul General Rodgers' views on the necessity for establishing a U.S.District Court for China. Recommending the appointment of a Vice Consul General to have charge of the judicial functions of the Shanghai Consulate.

No. 176
RJ.

AMERICAN LEGATION,
PEKING, CHINA.

December 22, 1905.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to transmit herewith copy of a despatch from our Consul General at Shanghai in reference to the judicial business of his office. Mr. Rodgers considers that the establishment of a United States District Court for China, which was recommended to Congress in a special Message of the President about a year ago, is not necessary, and that the appointment of a Vice Consul General who shall be a lawyer and who shall have exclusive charge of the judicial functions of the Consulate would be all that is necessary.

Mr. Rodgers' views, based as they are on his experience of over six months and on his careful enquiry into the average amount of judicial work of his office, commend themselves very strongly to me. His recommendation seems highly practical and in the interest of economy, and I beg to be permitted to heartily endorse them and commend them to your favorable consideration.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:
1. Mr. Rodgers to Mr. Rockhill, December 11, 1905.

Enclosure in Despatch No. 175

AMERICAN CONSULATE GENERAL.

SHANGHAI, CHINA.

December 11, 1905.

Hon. W. W. Rockhill,

E. E. & M. P., U. S. A.,

Peking.

S i r :

I have the honor to state that in response to the request of certain members of Congress and in obedience to instructions received by Mr. Davidson from Mr. Peirce, of the Department, to talk with Mr. Longworth, of the House of Representatives, upon the question of the establishment of a United States District Court for China, I forwarded recently to the Department a despatch dealing with this subject. Previously I had referred in several of my despatches to the necessity for being relieved of this judicial work, not so much on account of its volume as the embarassment which it creates. In my last despatch, however, having gone over the subject carefully and ascertained exactly the amount of work of this nature which has devolved upon me in the six months of my incumbency, I stated plainly that I could not see the necessity for the appointment of a judge who could not possibly find in the judicial work enough to employ his time, there having been only thirty cases in six months and most of these of so unimportant a character that they were easily gotten out of the way. Nor could I see the necessity for the appointment of a district attorney, a marshal and a clerk for this court, as was proposed in the bill. Nevertheless I recommended a change of which I hope

Enclosure in Despatch No. 775.

AMERICAN CONSULATE GENERAL,

CANTON, CHINA.

December 11, 1909.

Hon. W. W. Rockhill,

U. S. S. P., U. S. A.,

Peking.

Sir:

I have the honor to state that in response to the request of certain members of Congress and in accordance to instructions received by Mr. Davidson from Mr. Potter, of the Department, to talk with Mr. Tsumaru, of the Tsung of Representatives, upon the question of the establishment of a United States District Court for China, I forwarded recently to the Department a despatch dealing with this subject. Previously I had referred in several of my despatches to the necessity for bringing relief of this judicial work, not so much on account of its volume as the uncertainty which it creates. In my last despatch, however, I have gone over the subject carefully and ascertained exactly the amount of work of this nature which has arrived upon my desk in the six months of my incumbency. I stated plainly that I could not see the necessity for the employment of a Judge who could not possibly find the judicial work enough to employ his time, there having been only thirty cases in six months and most of these of no importance a character that they were easily disposed of thereby. Nor could I see the necessity for the appointment of a district attorney, a marshal and a clerk for this court, as was proposed in the bill. Nevertheless I recommended a change of which I hope

you will approve. I believe thoroughly in the German system, that of having a Vice Consul General who shall be a lawyer and who shall have exclusive charge of the judicial functions of the Consulate. If our laws could be amended so as to provide for the appointment of such an officer, there would be no division of responsibility, the work could be performed easily, and there would be an expense of a small amount compared to that of the proposed bill. The British Supreme Court at Shanghai is far from a busy institution. At other places in China the chief commissioned British officer presides over the Consular Courts, and at no place, according to the British statistics, is there any amount of business save at Tientsin. That which obtains as to the British applies with less force as to the American, and as a result of my investigation into this matter I found that very few of the Consulates ever had any judicial business. Such being the case, I did not wish to remain either directly or indirectly on record with the Department as favoring the institution of a court which could not under the circumstances have much to do. However I thoroughly believe in having a judicial Vice Consul for all Consulates that need such an officer, and especially for Shanghai where the lawyers are not disposed to allow cases to be settled out of courts and are keen after business.

This recommendation I made with the utmost sincerity and good intent to the Department and I am taking this, the first opportunity, to advise you of it, it seeming to me to be only courteous that I should inform you of my conclusion.

I beg to submit that having more of this work to do probably than any other Consular officer in China, I am perhaps

you will approve. I believe thoroughly in the German system, that of having a Vice Consul General who shall be a lawyer and who shall have exclusive charge of the judicial functions of the Consulate. If our laws could be amended so as to provide for the appointment of such an officer, there would be no division of responsibility, the work could be performed easily, and there would be an expense of a small amount compared to that of the proposed bill. The British Supreme Court at Shanghai is far from a busy institution. At other places in China the chief commissioned British officer presides over the Consular Courts, and at no place, according to the British statistics, is there any amount of business save at Tientsin. That which obtains as to the British applies with less force as to the American, and as a result of my investigation into this matter I found that very few of the Consulates ever had any judicial business. Such being the case, I did not wish to remain either directly or indirectly on record with the Department as favoring the institution of a court which could not under the circumstances have much to do. However I thoroughly believe in having a judicial Vice Consul for all Consulates that need such an officer, and especially for Shanghai where the lawyers are not disposed to allow cases to be settled out of courts and are keen after business.

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I beg to submit that having more of this work to do probably than any other Consular officer in China, I am perhaps

in a better position to appreciate what is needed and what is not. I do not know your views upon this subject but I trust that you will agree with me and will so state to the Department. As far as Shanghai is concerned, I can assure you that we need men to investigate commercial conditions and to keep closely in touch with Chinese affairs far more than any extensive judicial system. At least so it seems to me.

I have the honor to be, Sir,

Your obedient servant,

(Signed) Jas. L. Rodgers,

American Consul General.

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I have the honor to be, Sir,

Your obedient servant,

(Signed) Jas. L. Rodgers,

American Consul General.

TELEGRAM RECEIVED IN CIPHER.

Secretary of State, DEC 22 1905

BUREAU OF APPOINTMENTS DEC 22 1905 Department of State.

From Peking

December 22nd, 1905.

Rec'd. 3:13 A. M.

CHIEF CLERK DEC 22 1905 DEPARTMENT OF STATE.

Secretary of State,

Washington.

December 22, 10 A. M. I am informed by Baron Komura treaty signed to-day. China consents lease Liao-tung Peninsula; to the cession of railway as far as Chang-chin, also to building of a railway from Antung to Mukden, to be bought back later on by China. By a secret provision China agrees to open sixteen localities in Manchuria, among them Harbin, to international trade and residence. The other provisions are less important.

ROCKHILL.

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Ciphered by the Chief Clerk's Office,

C. R. D.

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ASSISTANT SECRETARY,
JAN 31 1906

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Hold answer personally
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No. 176,

December 23, 1905.

CHIEF CLERK
JAN
31
1906
DEPARTMENT
OF STATE.

Mr. Rockhill to the Secretary of State,

Subject:

Transmitting printed summary of two Imperial Decrees relating to proposed reforms within the Chinese Empire.

No. 174
H.

AMERICAN LEGATION,
PEKING, CHINA.

December 23, 1905.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to enclose herein a summary of two recent Imperial Decrees which I consider important in that they bear upon the subject of the Government reforms now being instituted in the Empire.

I have the Honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:

1. Printed summary of two Imperial decrees.



Enclosure No. 1 in Despatch No. 176.

LEGATION OF THE UNITED STATES OF AMERICA,
PEKING, CHINA.

Imperial Decrees.

An Imperial Decree of the 25th inst. commands the Prince and Ministers of the Chêng-wu Chu or Board of Government Affairs to establish a Kao-cha Chêng-chih Kuan or office to investigate modern political and administrative systems in Peking under the control of experienced Chinese officials, so as to select and translate suitable regulations of foreign countries and bind them into pamphlet form for the information of the Throne and, with a view to putting them into force after the return of the High Commissioners from abroad. The regulations and rules for the opening of this important office will be carefully drawn up by the aforesaid Prince and Ministers for Imperial approval.

Another Imperial Decree issued on the same date states that since the commencement of the present Dynasty, lenient laws have been enforced by the Government for dealing with the people so that all descriptions of officials and people have been living in perfect peace during the last two hundred and sixty years. Now for the purpose of reorganizing the country the Government is exerting itself to introduce modern western civilization in the hope of gradually making China a strong Power. "But," says the Decree, "to our utter amazement, there are some bad and lawless characters fabricating false rumours who have formed anti-Manchu societies in the Provinces with the hope of stirring up the populace to create disturbances against the present Dynasty. As it is feared that ignorant persons may be cheated by the false words of such evildoers and follow their secret sects, which are not only a great menace to the well-being of the general public, but also form an obstacle in the way of the new Government, the various Viceroys, Governors and Tartar-Generals are hereby commanded to despatch reliable civil and military officials to all the districts under their respective jurisdictions to discover and arrest all bad characters, who will be most severely punished as persons guilty of high treason when captured, so as to secure permanent peace throughout the Empire. Those who repent their guilt and report to the local authorities themselves will not only not be punished but will receive ample rewards from the Government if they can act as informers to the Imperial troops and enable them to arrest the ringleaders. All persons will be greatly rewarded if they will assist the officials to discover and capture any of the real leaders and bring them to justice. The various Viceroys, etc., should immediately report to the Throne in case any of their subordinates, civil and military alike, do not pay attention to the discharge of their instructions with regard to suppressing possible future risings. Let this be respected by all those concerned."

RECEIVED FEB 2 1906 DIVISION OF

Secretary of State, FEB 1 1906

INDEX BUREAU REC'D. JAN 31 1906 DEPT. OF STATE

ASSISTANT SECRETARY, JAN 31 1906

Secretary

Ans Feb 7

No. 177. December 23, 1905.

FOR REF. 1905.

W. Com. Labor Feb. 10/06. S.T.R.

CHIEF CLERK JAN 31 1906 DEPARTMENT OF STATE.

Mr. Rockhill to the Secretary of State.

Subject:

New Chinese Mining Regulations.

Enclosing copy of protest addressed to the Foreign Office against the enforcement of the provisions of Regulation VII.

INDEX BUREAU FEB 20 1906 FILED

Mr. Adee:

Shall Mr. Rockhill's protest be approved?

J.G.

Mr. Smith

Has Mr. Rockhill's objection should be approved.

There remains nothing to be done but to write a memorandum saying that the claim of [illegible] is objected to by Mr. Rockhill because in conflict with Art VII of our last treaty with China, which provides [illegible]

AMERICAN LEGATION,
PEKING, CHINA.

No. 117. December 23, 1905.

FOR RELS. 1905.

To the Honorable

Elihu Root,

Secretary of State,

Washington, D. C.

Sir:- I have the honor to inclose for the information of the Department a copy of a translation of certain new mining regulations adopted by the Chinese Government, by which Provincial Bureaus of Inspection are established. I beg to call attention particularly to a clause in Regulation VII which provides that mining lands belonging to private individuals may be sold only to natives of the district in which such lands are located. As this provision is in direct conflict with Article VII of our last Treaty with China, I have addressed to the

Chinese

Chinese Foreign Office a protest against the enforcement of said regulation, and I have the honor to inclose a copy of my despatch relating to the matter.

I have the honor to be,

Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1. Translation of New Chinese Mining Regulations.
2. Mr. Rockhill to the Prince of Ching, Dec. 23, 1905.

Encl. #1 in Des. #177.

MINING REGULATIONS

Establishing Provincial Bureaus

of inspection.

Approved by Imperial Rescript, Nov. 27, 1905.

****

(Translation of the Peking & Tientsin Times
Dec. 14, 15, & 16, 1905.)

Mining Investigation Office.

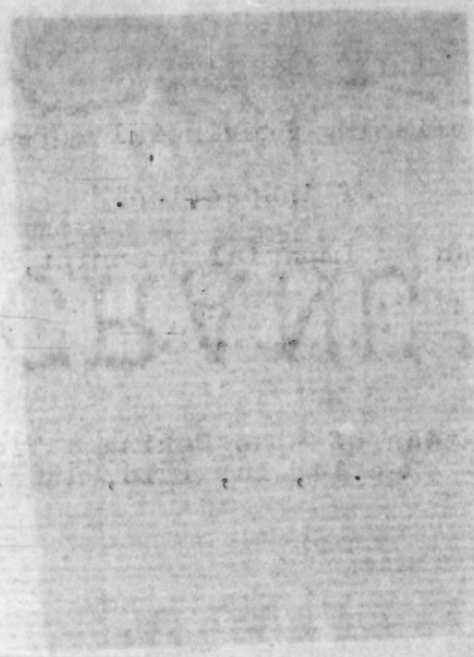
RULES AND REGULATIONS.

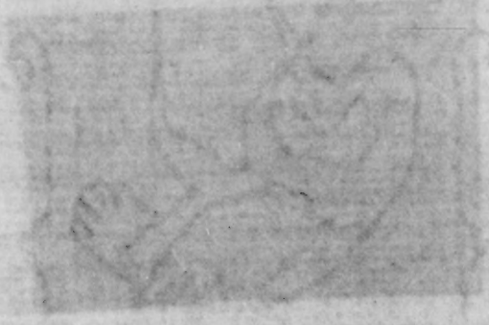
The Board of Commerce has drawn up twenty-four articles for the investigation of mines and mining interests in the provinces, which are to be in co-operation with those mining regulations sanctioned by Imperial order some time ago.

1.—As the establishment of Mining Investigation offices is ordered by Imperial command, the Viceroys and Governors of the provinces should take up the matter without delay. All offices in connection with mining such as K'uang-wu Tsung Chü, Ch'a K'uang Kung Ssŭ and others established previous to this should be converted into Mining Investigation Offices for the sake of uniformity.

2.—The Tartar-Generals, Viceroys and Governors should select and recommend officials of experience and uprightness, who are qualified

1 General Bureau of Mines
2 Offices for Inspection of Mines.





to be Directors, Assistant Directors and Engineers, to the Board of Commerce for appointment as consulting members of the Board in Mining matters.

3.—As soon as such consulting members have been appointed, they should begin to make surveys at once, with the assistance of Mining Engineers, and fill the report forms issued by the Board of Commerce. Officials who have made improvements in existing mines or developed new mines, effecting the increase of revenue and benefiting the people will be recommended by the Board for reward. Those who have failed to perform their duties or participated in private working or sales, if discovered will be impeached and dealt with as a warning to others.

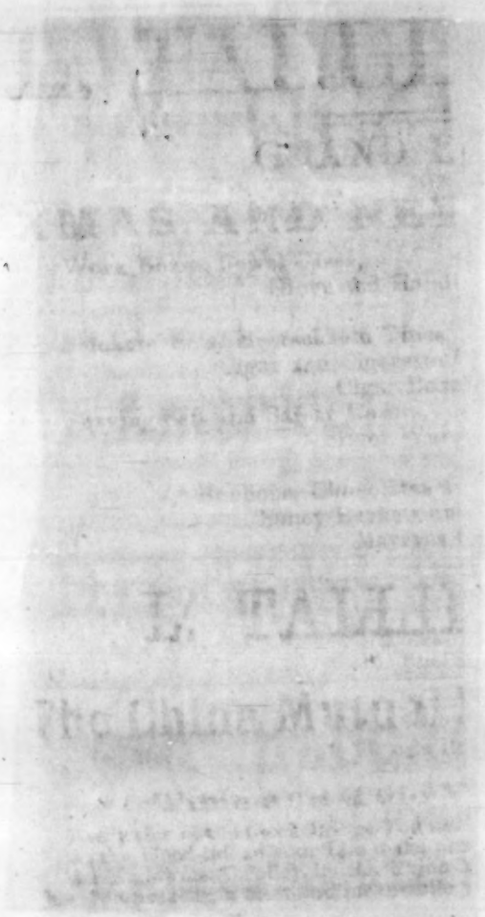
4.—All existing mines whether under the management of officials, the people, or Chinese and foreigners in co-operation, should be thoroughly investigated and all particulars should be filled in on the forms provided, from year to year and forwarded to the Board with samples and memorandums. In addition there are two important points to be investigated:—

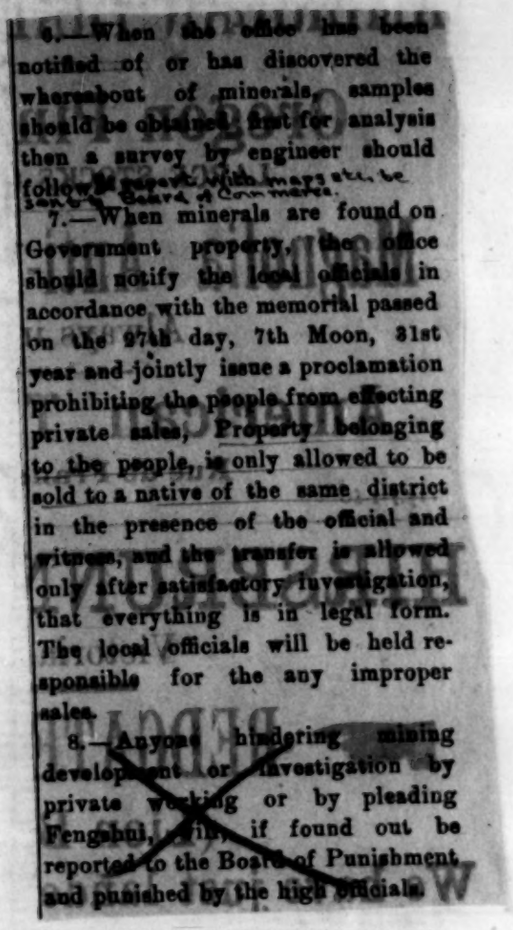
(*a*).—The way of levying and the amount of taxes levied with a comparison from year to year.

(*b*).—The area of land and its ownership. In case the mines are owned or leased by foreigners, the area must be properly defined according to the regulations and agreement; plans and memorandums must be provided and forwarded to the Board for reference.

Other methods which are capable of doing away with evils, restoring recovering rights (i.e. of determine) privileges and benefiting the revenue should also be adopted, and reported to the Board as well as to the Viceroy or Governor of the province.

5.—The Tartar-Generals, Viceroys and Governors should instruct the magistrates to issue proclamations calling for reports of the location of mines. Anyone knowing the location of minerals should report to the office either in person of through the magistrate. The Board of Commerce should also be notified when natives are privately working the minerals which the local officials have taken no notice of, even after being informed by the gentry and merchants.



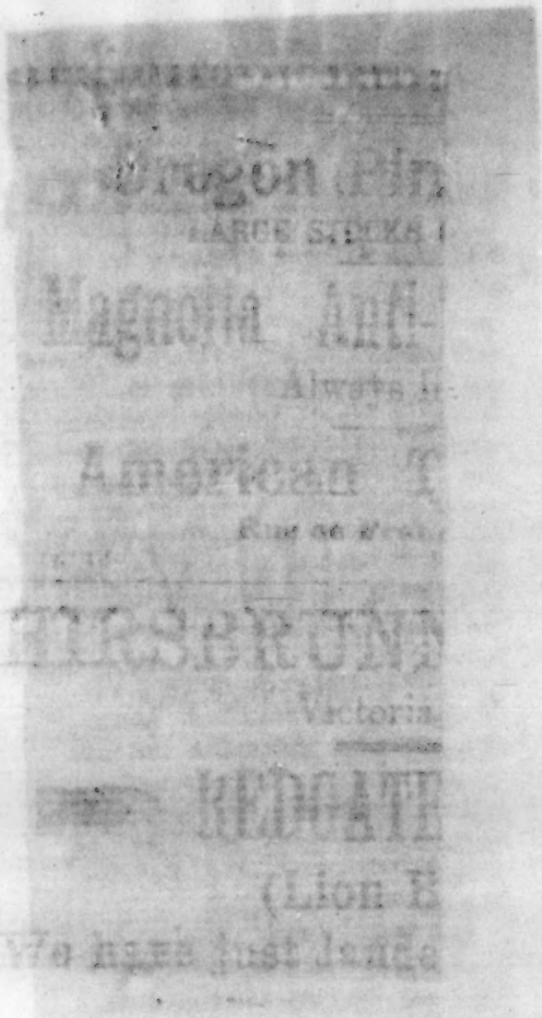


6.—When the office has been notified of or has discovered the whereabout of minerals, samples should be obtained first for analysis then a survey by engineer should follow if report with map etc. be sent to Board of Commerce.

7.—When minerals are found on Government property, the office should notify the local officials in accordance with the memorial passed on the 27th day, 7th Moon, 31st year and jointly issue a proclamation prohibiting the people from effecting private sales, Property belonging to the people, is only allowed to be sold to a native of the same district in the presence of the official and witness, and the transfer is allowed only after satisfactory investigation, that everything is in legal form. The local officials will be held responsible for the any improper sales.

8.—Anyone hindering mining development or investigation by private working or by pleading Fengshui, evil, if found out be reported to the Board of Punishment and punished by the high officials.

8. All persons guilty of mining without authority, of illicitly selling mining properties, or transferring to others on his own authority, his permit to mine, as well as those rowdies, who may oppose mining operations under the pretext of injury to the feng-shui or to the dragon influences, shall be reported by the Bureau of Inspection at once to the Board of Commerce as soon as the facts are known and report of the same shall at the same time be made to the Tartar General, Viceroy and Governor of the Province concerned who shall instructthe local authorities to severely punish the said persons, showing no clemency whatever.



8. All persons guilty of mining without authority, of illicitly selling mining properties, or transferring to others on his own authority, his permit to mine, as well as those rowdies who may oppose mining operations under the pretext of injury to the Fang-ahut or to the dragon influences, shall be reported at once to the Board of Commerce as soon as the facts are known by the Bureau of Inspection

and report of the same shall at the same time be made to the Tartar General, Viceroy and Governor of the Province concerned who shall instruct the local authorities to severely punish the said persons, showing no clemency whatever.

9.—Should foreign mining engineers be employed, their powers must be limited and the agreement should only be signed after the approval of the Board. If a foreign engineer is to go inland for mining affairs, the Tartar-General, Viceroy or Governor of the province should instruct the magistrates to accord him due protection. But the said engineer must behave himself and be attentive to his business. If he fails to control himself, and is so reported, the office should dismiss him. Travelling and other expenses should be provided by the office, and no supply should be called for from the local officials nor trouble be given to the merchants and people. He should leave the place as soon as the work is done.

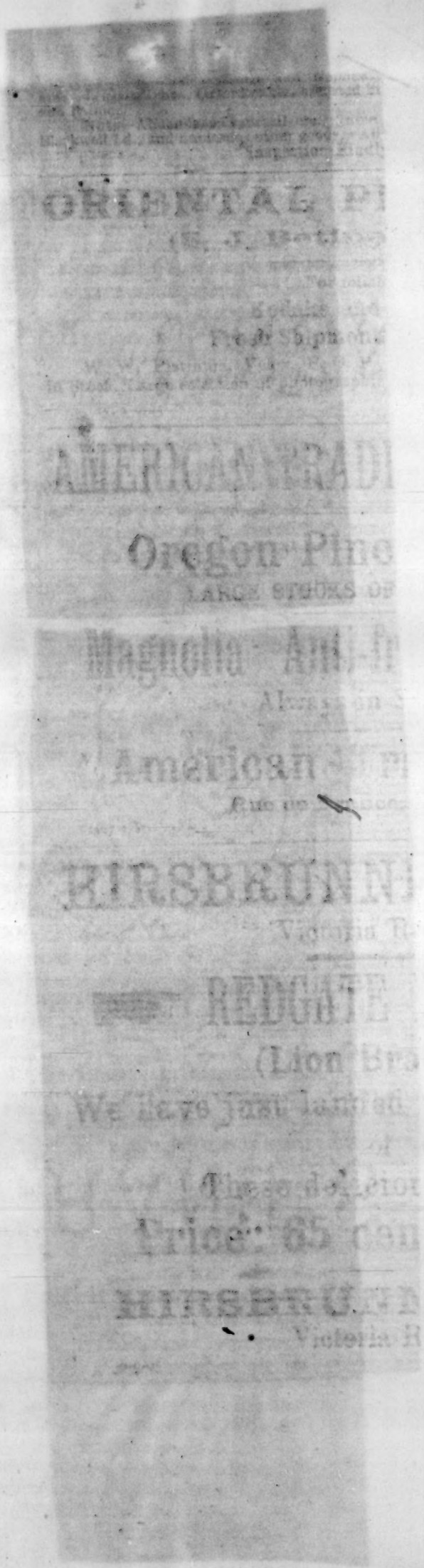
10.—Merchants and people who require the service of a mining engineer from the office, should provide for all the expenses according to the distance and time, and particulars of the result must be recorded for reference of the office and reported to the Board.

11.—The expenses of the Mining Investigation office should either be defrayed from the mining tax, or a special fund which should be arranged by the Tartar-General, Viceroy, or Governor of the province, but on economical lines. An annual report of the accounts showing the amount of grant, expenses, and names of the staff should be submitted through the Provincial authority to the Board of Commerce.

12.—The consulting member of mining affairs of province being in direct communication with the Board of Commerce, all investigations of mining matters ordered by the Board either directly or through the high officials should be reported to the Board at once or at latest within three months.

13.—A Laboratory should be attached to each Mining Investigation Office, consisting of a room for analysis and [illegible] necessary apparatus, one for experiments and the other for operations. All minerals should be carefully assayed previous to the survey so as to save trouble.

14.—For the purpose of investigating, excavations are necessary, and



[illegible] to the people, the [illegible] should be notified to this effect, and no [illegible] should be offered on his part. Should any damage be done to his products, he will be indemnified by the office. The runners must not trouble the people.

15.—The gentry, merchants, literati or people of the province who apply, in accordance with the mining regulations for permission to work a certain mine, the office should at once depute officials to make investigation together with the local officials, and report the particulars to the Board, at the same time, formal request for consideration must be made through the Tartar-General, Viceroy or Governor of the province. If the mine is to be worked by officials, the plans, memorandums and other particulars should also be reported to the Board for reference, and no omission should be made.

The above fifteen rules are for the administration of the office.

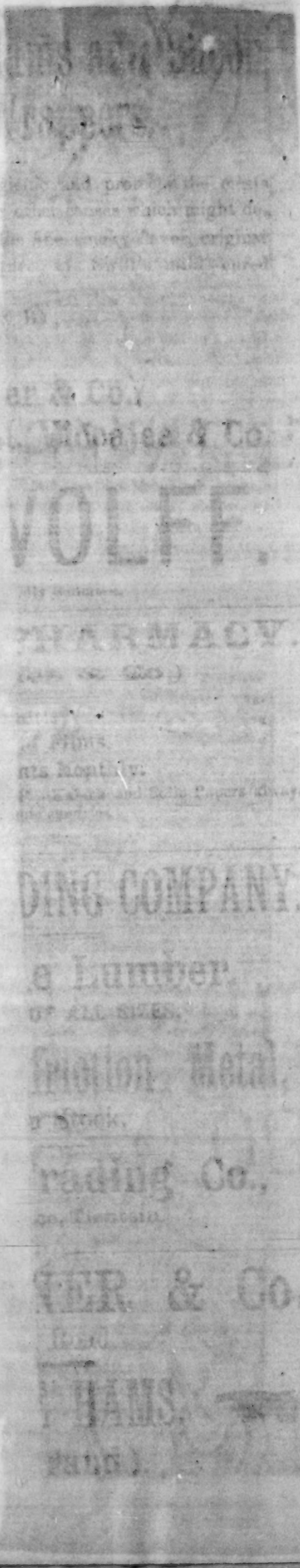
The following nine rules are connected with the actual investigations in the field.

16.—When a mining district is under investigation, a map of the district and the location of the mine, its distance from the city and its neighbouring town; its area, and how much belongs to the Government and how much to the people, must first be made, and a report whether there is or not any irregularity in the title deeds. If the land is owned by the people, the title deeds must be examined in the presence of the local official as evidence; all the points must be distinctly recorded, plans and memorandums prepared and kept for reference.

17.—The nature of the land must be fully noted, with height above sea, also whether there is any spring near the mine, and if any, at what depth from the surface of the ground water is reached and its quantity. Reports on these points should be made to the Board of Commerce.

18.—Notes concerning the depth of the shaft necessary to work the mineral, its description, origin, direction, number of seams, distance between them, and their dimensions, should be taken and reported to the Board of Commerce.

19.—The geological character of the soil in which the mineral deposits lie, must be fully described and reported to the Board of Commerce. When any names of stones and ores cannot be represented in Chinese, foreign languages may be used instead.



20.—Minerals and ores obtained must be analyzed to find out the percentage of pure metal and other substances composing it, which should be noted and reported to the Board.

21.—Special attention must be drawn to the line of transportation—whether by water or land, good or bad, distance from the mine to the market, cost of transportation; whether there is or not any large river in the neighbourhood of the mine, and by what means a light railway or steam launch could ply. All the above points should be taken into consideration and reported to the Board of Commerce.

22.—At the time of investigation, the following three classifications should be observed. If the mineral is of best quality, transportation convenient, sale prospects large, coal or other fuel procurable and machinery can be put up at the spot for working, the mine may be put down a first class. If transportation is inconvenient, coal or fuel scarce, as second class; and if the mineral lies at great depth and is largely alloyed with other substances, as third class. Estimates of cost of working, and their comparison should be carefully noted, and remarks made on the plan which may be worked without delay. These points should all be reported to the Board of Commerce for decision.

23.—Notes should be taken which mines require native methods and which mines require machinery for their working. Native methods should only be applied to mines, where the mineral lies near the surface, the stone is soft, and water scarce, labour cheap, capital small, and there is less mixture of other substances. Machinery should be employed on mines of which the conditions are the contrary. A careful investigation should be made and reported to the Board.

24.—Mines which have been worked by the people privately and those which have stopped working through lack of success, should be thoroughly investigated, so as to find the number of pits, their depth, whether they were stopped on account of flood in the mine, or insufficiency of capital, or other cause. All the particulars should be noted in the form of plans and memorandums and reported to the Board of Commerce.

Any point which is not provided for here should be dealt with according to the mining regulations passed by the Board of Commerce. The Tartar-Generals, Viceroys and Governors of the provinces should instruct the officials in charge of the offices and local officials to put in force these rules.

These have been approved by Imperial Rescript.

Enclosure No. 2, in Despatch No. 177.

To. F. O. No. 76. December 23, 1905.

Your Imperial Highness:

I have the honor to call the attention of Your Imperial Highness to Rule VII of the New Mining Regulations approved by Imperial Rescript on November 27th last, by which provision is made for the establishment of Provincial Bureaus of Inspaction.

In the article to which reference has just been made, it is stated that "property belonging to the people may be sold only to a native of the district in which it is located."

I need hardly remind Your Highness that this clause of the regulation is in direct conflict with the provisions of the Treaty of 1903 between the United States and China, wherein it is distinctly stated that China "will permit citizens of the United States to carry on in Chinese territory mining operations and other necessary business relating thereto, etc." and that the new regulations to be adopted by China "will be imposed by China on its subjects and foreigners alike." It is further stated that the new rules "will offer no impediment to the attraction of foreign capital."

Inasmuch as this regulation forbids the purchase by foreigners of mining lands owned by private individuals, it prevents the investment of American capital in such lands and refuses to citizens of the United States the permission allowed to Chinese subjects to carry on mining operations in China except on lands belonging to the Government.

I must therefore on behalf of the Government of the United States enter a protest against the enforcement of this clause of Rule VII, and against the violation thereby of the solemn

Enclosure No. 2, in Despatch No. 177.

No. 76.

December 23, 1905.

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Treaty concluded by our two Governments.

I avail myself of the occasion to renew to Your Imperial Highness the assurance of my highest consideration.

(Signed) W. W. ROCKHILL,

etc. etc.

To His Imperial Highness, Prince of Ch'ing,
President of the Board of Foreign Affairs,

etc. etc. etc.

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To His Imperial Highness, Prince of Ch'ing,

President of the Board of Foreign Affairs,

etc. etc. etc.

REC'D FEB 1906 DEPT. OF STATE

DIPLOMATIC BUR. DEPT. OF STATE APR 23 1906

ASSISTANT SECRETARY, FEB 6 1906

No. 178. December 23, 1905.

CHIEF CLERK FEB 6 1906 DEPARTMENT OF STATE.

Mr. Rockhill to the Secretary of State.

CONSULAR BUREAU FEB 7 1906 DEPARTMENT OF STATE

Subject:

Rules for the Mixed Court at Shanghai.

Resume of efforts made during 1905 toward securing a revision of the rules for the Mixed Court in the International Settlement at Shanghai.

INDEX BUREAU FILED APR 28 1906

No. 178.
RJ.

AMERICAN LEGATION,
PEKING, CHINA.

December 23, 1905.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

Mr. Conger, in his despatch to the Department of State No. 1777, of December 29th, 1904, transmitted copy of a note of the Diplomatic Body at Peking to the Prince of Ch'ing, embodying certain amendments which it proposed as urgently necessary to the rules for the Mixed Court in the International Settlement at Shanghai.

On January 20th, 1905, this Legation received a copy of an identic note from the Prince of Ch'ing, acknowledging the note of the Diplomatic Body of December 22nd, 1904, and stating that he had referred this important matter to the Superintendent of Southern Trade (the Viceroy of Nanking), who, after thoroughly investigating the matter, would reply to the Foreign Office which in turn would be able to settle the question with the Diplomatic Body.

On September 8th last, nothing having been received from the Wai-wu Pu in the meanwhile, and the Consul General of the United States having repeatedly called my earnest attention to the urgent necessity of reaching an understanding with the Chinese Government on the matter, as the relations between Chinese and Foreigners in the International Settlement were getting more and more strained and threatened serious complications, I wrote to the Dean of the Diplomatic Body asking

him, and those of our Colleagues who were interested in the matter, to press its consideration on the Foreign Office until finally settled.

The Dean, Baron von Mumm, having consulted the Diplomatic Body, accepted my suggestion, and on the 27th of September sent the Prince of Ching a note, practically in the same words as my note to him above referred to.

No reply, however, having been elicited within a reasonable time, on November 22nd I addressed the enclosed note to the Prince of Ch'ing, and my British and German Colleagues also sent similar ones. Two days later we received a note from the Prince, saying that the reply awaited from the Superintendent of Southern Trade had been mailed him and would be received in a few days. On December 4th we finally received communication of the Amendments for the Rules of the Mixed Court proposed by the Superintendent of Southern Trade and the Taot'ai of Shanghai and accepted by the Chinese Government. These counter proposals are now under consideration by the Diplomatic Representatives at Peking.

While the above detailed negotiations were taking place the Consular Body at Shanghai, [urged thereto, it would seem, by the Municipal Council of the International Settlement, which ever seeks to extend its control over the settlement and to correspondingly restrict Chinese authority,] took upon itself without consulting, as was its duty, the Diplomatic representatives at Peking, to secure from the Taot'ai at Shanghai that female prisoners should be imprisoned in the jail of the Municipality and no longerin the Chinese Mixed Court jail. The Tact'ai refused to accede to this proposal. I enclose herewith a copy of his note of June 10th, 1905, to the Senior Consul, and the latter's reply thereto of June 21st, [the latter particularly interesting as showing the

spirit in which this question was being discussed.] omit 6th-b-

Notwithstanding the refusal of the Taot'ai to allow Chinese females to be imprisoned in the Municipal jail, in a meeting of the Consular Body held on the 26th of July, "at the suggestion of Mr. Potier, Consul General for Portugal, it was resolved to note in these Minutes that in future the Assessors of the Mixed Court, when finding that a female defendant should be sentenced to imprisonment, should send her to the Municipal jail for female prisoners." * *

[Not a word of protest against the absolutely arbitrary decision which the Consuls exceeded their powers in taking, was entered, nor was this decision ever reported to Peking by any of the Consular Officers at Shanghai.] omit 6th-c On the 27th of July our Consul General at Shanghai wrote me the enclosed letter, from which it would appear that either he had not yet seen the minutes of the meeting of the day before, or that he did not realize the binding effect on him of its decisions. This latter explanation seems the more likely from the last two lines of his letter, in which he says that he will instruct the American Assessor to adhere to the established rules, overlooking that he was bound by the new decision, against which he had not protested.

I enclose also a copy of Mr. Rodgers' despatch to me of August 21st last, in which he again states that the Consular Body had decided to let the assessors at the Mixed Court act as they deemed best, and that he had instructed the American Assessor to observe the old rules and customs.

Such was the condition of affairs in Shanghai when on December 11th the Prince of Ch'ing sent a note to the Dean of the Diplomatic Body informing him that as a result of an attempt on the 10th by the British Assessor at the Mixed Court to have certain Chinese women remanded to prison in the Muni-

cipal jail, there had been a fracas in the court-room in which several persons had been badly hurt by the foreign policemen, who had finally carried the women off and imprisoned them in the Municipal jail.

Considering the statements of the Prince of Ch'ing, the British Minister, the German Minister and myself, as representing the Powers whose assessors sit most of the time at the Mixed Court, telegraphed to our Consuls General at Shanghai that the women should be immediately released from the Municipal Jail. I enclose draft of the reply to the Prince's note which was agreed upon by the Diplomatic Body, and which was sent December 17th, 1905.

Although the prisoners were released, the Mixed Court magistrate, under orders from the Shanghai Taot'ai, refused to re-open the court until the British Assessor had been removed and the foreign police who had taken part in the fracas had been punished. To enforce these demands the Ningpo Merchants' Guild, the most powerful and aggressive in Shanghai, declared a general boycott on the 18th instant, which promptly resulted in fighting and bloodshed.

The same day most of the Ministers called at the Foreign Office here and urged on the Chinese Minister the necessity of the Chinese Government taking prompt and energetic action to stop the agitation and restore peace and order.

On the 19th I received from the Prince of Ch'ing a despatch giving the text of an Imperial Edict reviewing the case and ordering the Viceroy of Nanking to proceed at once to Shanghai and settle it. ×××

Such is the position of affairs at the present date so far as I am informed. It is perhaps too soon to pass judgment on this unfortunate incident, but no one here can see

any justification for the Consular Body's rash action which caused the trouble. The moment to force matters to an issue with the Chinese could not have been more inopportunely chosen than the present, when the Chinese are inordinately sensitive regarding anything which seems to touch their dignity, and particularly on such an unimportant question, which would probably have been satisfactorily settled here in the discussion on the amendments to the Mixed Court Rules.

I enclose also draft of a note from the Dean of the Diplomatic Body to the Senior Consul at Shanghai, which it has been agreed by the Diplomatic Representatives should be sent.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1. Prince of Ching to Mr. Coolidge, January 20, 1905.
2. Mr. Rockhill to Baron von Mumm, September 8, 1905.
3. Mr. Rockhill to Prince of Ch'ing, November 22, 1905.
4. Prince of Ch'ing to Mr. Rockhill, November 24, 1905.
5. Prince of Ching to Baron von Mumm, December 4, 1905.
6. Correspondence between Senior Consul of Shanghai and Shanghai Taot'ai (N-C Daily News, 12/12/05)
7. Minutes of Meeting of Shamghai Consular Body, of July 26, 1905.
8. Mr. Rodgers to Mr. Rockhill, July 27, 1905.
9. Mr. Rodgers to Mr. Rockhill, August 21, 1905.
10. Prince of Ch'ing to Baron von Mumm, December 11, 1905.
11. Baron von Mumm to Prince of Ch'ing, December 17, 1905.
12. Prince of Ch'ing to Mr. Rockhill, December 19, 1905.
13. Baron von Mumm to Senior Consul at Shanghai, (Draft).

1184

Enclosure No. 1 in Desp. No. 178.

Despatch from Prince Ch'ing to Hon. J. G. Coolidge, Charge d'Affaires, in re revision of the Mixed Court Rules.

I have the honor to acknowledge the receipt upon January 5th, of a despatch from Your Excellencies on the subject of the revision of the rules for the Mixed Court in Shanghai. You state that this has become an urgent necessity, and that the Foreign Consuls have taken the matter under consideration and proposed amenements, which they have sent to the Foreign Ministers in Peking for their consideration; that the Ministers after prolonged deliberation communicate them to me for approval, that they may be published in the ordinary method and put into operation within a short period of time.

I have the honor to state that my Board finds that Shanghai is an important commercial center, - the hub of Chinese and foreign commerce; that the business of the Mixed Court is increasing daily; that the ten rules adopted in 1868 are very old, and should be revised in accordance with the needs of the times, in order to be thoroughly satisfactory. But in the case of the original Rules, the Minister of Commerce ordered the Shanghai Customs Taot'ai to propose some rules for consideration, after which the Tsung-Li Yamen sent said rules in despatches to the various foreign Ministers for their consideration and decision. In this instance, the amendments sent to me by Your Excellencies have been sent by my Board to the Superintendent of Trade for the South, who will order the Shanghai Customs Taotai to make a thorough investigation into the state of affairs, then after satisfactory deliberation, they will reply to my Board, which will then consider and decide the matter. This will doubtless be to the mutual advantage of all concerned, enabling all to observe the same rules.

As soon as I have received the reply from the Superintendent of Trade for the South and the Shanghai Customs Taot'ai my Board will consider and decide the matter, and inform Your Excellencies; but for the present it becomes my duty to send this despatch that you may know what is being done in the matter

A Necessary despatch:

Kuangshu XXX Year, 12th Moon, 15th Day.
(January 20th, 1905). SEAL.

No. 1.

Despatch from Sir Edmund Monson.

F. O. Confid. 6, Une de Alexandrie, 7e

(Received January 20th, 1900.)

(Answered January 25th, 1900.)

My Lord Marquess,

I have the honour to acknowledge the receipt upon January 19th, of a despatch from Your Lordship relative to the question of the future of the Public Debt Commission.

As your Lordship is aware, I have always been of opinion that the Commission should be maintained in its present form, and I am glad to find that Your Lordship's views coincide with my own.

I have the honour to enclose herewith a copy of a note which I addressed to Nubar Pasha on the subject, and I trust that Your Lordship will approve the terms in which I have expressed myself.

I have, &c.

(Signed) EDMUND MONSON.

Enclosure in No. 1.

Sir Edmund Monson to Nubar Pasha.

Alexandria, January 19th, 1900.

Excellency,

I have the honour to acknowledge the receipt of your Excellency's note of the 17th instant, in which you inform me that the Council of Ministers has decided to propose to the Powers the prolongation for a further period of five years of the existence of the Public Debt Commission.

I am glad to find that your Excellency's views on this question are in accordance with my own, and I have no doubt that the Powers will be disposed to accept the proposal of the Egyptian Government.

I have, &c.

(Signed) EDMUND MONSON.

Enclosure No.2 in Despatch No. 178.

American Legation,
Sept. 8, 1905.

To His Excellency
Baron de Mumm,
Dean of the Diplomatic Corps.

My dear Dean:

On the 22nd of December 1904 the Diplomatic Representatives in Peking of Austria Hungary, Belgium, Germany, Great Britain, Italy, Japan, Korea, the Netherlands, Portugal, Russia, Spain, and the United States, addressed a note to the Prince of Ch'ing on the subject of the rules for the Mixed Court in the Shanghai International Settlement.

The Diplomatic Representatives called the attention of the Prince to the urgency of agreeing on amendments to the rules of 1868, and they transmitted the amendments agreed upon between them for his earnest consideration and expressed the hope that they might be put in operation within a short period of time.

This note was duly acknowledged by the Prince of Ch'ing by an identic note to each of the Diplomatic Representatives who had signed the note of December 22 1904, and stated that he had sent the amended rules transmitted him by them to the Superintendent of Southern Trade, who would "order the Shanghai Customs Taotai to make a thorough investigation into the state of affairs, then, after a satisfactory deliberation, they will reply to my Board, which will then consider and decide the matter"

Six months have passed since this note was received, this would seem to be ample time for the "investigation and deliberation" deemed necessary, and as the Consul General of the United States at Shanghai has on several occasions of late called my attention to the ever increasing urgency of the case, I take the liberty of addressing you in this matter trusting that you and those of our colleagues who are interested in this question will join with me in pressing its consideration on the Foreign Office until finally settled.

I remain, dear Baron,
very cordially yours,
W. W. Rockhill

Enclosure No.2 in Despatch No. 177

American Legation,

Sept. 6, 1905.

To His Excellency

Baron de Rosen,

Dean of the Diplomatic Corps.

My dear Dean:

On the 22nd of December 1904 the Diplomatic Representatives in Peking of Austria Hungary, Belgium, Germany, Great Britain, Italy, Japan, Korea, the Netherlands, Portugal, Russia, Spain, and the United States, addressed a note to the Prince of Ching on the subject of the rules for the Mixed Court in the Shanghai International Settlement.

The Diplomatic Representatives called the attention of the Prince to the urgency of agreeing on amendments to the rules of 1869, and they transmitted the amendments agreed upon between them for his earnest consideration and expressed the hope that they might be put in operation within a short period of time.

This note was duly acknowledged by the Prince of Ching by identic note to each of the Diplomatic Representatives who had signed the note of December 22 1904, and stated that he had sent the amended rules transmitted him by them to the Superintendent of Southern Trade, who would "order the Shanghai Customs Taotai to make a thorough investigation into the rates at which, after a satisfactory deliberation, they will reply to my Board, which will then consider and decide the matter".

Six months have passed since this note was received, this would seem to be ample time for the "investigation and deliberation" deemed necessary, and as the Consul General of the United States at Shanghai has on several occasions of late called my attention to the ever increasing urgency of the case, I take the liberty of addressing you in this matter trusting that you and those of our colleagues who are interested in this question will join with me in pressing its consideration on the Foreign Office until finally settled.

I remain, dear Baron,

very cordially yours,

Enclosure No. 3, in Desp. No. 178.

Mr. Rockhill to the Prince of Ch'ing

Peking, November 22, 1905.

To. F.O. No.71.

Your Imperial Highness:

I have the honor to call the attention of Your Imperial Highness to the urgent necessity for action in the matter of the revised regulations for the Mixed Court in the International Settlement at Shanghai.

It is now almost a year since the representatives in Peking of Austria-Hungary, Belgium, Germany, Great Britain, Italy, Japan, Korea, the Netherlands, Portugal, Russia, Spain and the United States, on the 22nd of December, 1904, submitted to Your Imperial Highness certain amendments to the rules of 1868, to which they were all agreed and for which they requested the consideration of Your Highness' Government.

To this request Your Highness replied on January 20th, of this present year, saying that the proposed amendments had been sent to the Viceroy of the Liang Kiang and other provincial authorities for their consideration, and that after receiving their report Your Highness' Board would decide the matter. After more than eight months had passed without further communication from Your Highness on the subject the Dean of the Diplomatic Corps on the 27th of September again addressed your Highness on behalf of all the Powers interested, asking for prompt action on the subject. To this Your Imperial Highness replied on October 2nd, stating that no report had yet been received from the provincial authorities.

Nearly two months have now elapsed since your Highness' note was received, and still nothing has been done in this

Enclosure No. 3, in Desp. No. 175.

Mr. Rockhill to the Prince of Ch'ing

Peking, November 22, 1905.

To. P.O. No. 71.

Your Imperial Highness:

I have the honor to call the attention of Your Imperial Highness to the urgent necessity for action in the matter of the revised regulations for the Mixed Court in the International Settlement at Shanghai.

It is now almost a year since the representatives in Peking of Austria-Hungary, Belgium, Germany, Great Britain, Italy, Japan, Korea, the Netherlands, Portugal, Russia, Spain and the United States, on the 22nd of December, 1904, submitted to Your Imperial Highness certain amendments to the rules of 1868, to which they were all agreed and for which they requested the consideration of Your Highness' Government.

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Nearly two months have now elapsed since your Highness' note was received, and still nothing has been done in this

Enc. 3 in Des. 178.

very important matter, and I am compelled on behalf of my Government to urge upon Your Highness the necessity of immediate steps to put an end to this unnecessary delay on the part of the provincial authorities, whose indifference or neglect is preventing the introduction of the reforms so imperatively demanded by the condition of affairs in the Mixed Court at Shanghai. Nearly every week I receive communications from the American Consul General at Shanghai, calling my attention to the importance of this matter. It is quite as much to the interest of China as of the other parties that the old Mixed Court Rules be revised, and I can see no reason for the apparent unwillingness of Your Highness' Government to take the necessary action in a matter of such pressing concern to all interests at Shanghai, both native and foreign.

I have the honor, therefore, to ask that Your Imperial Highness will without further delay take such measures as may be necessary to secure a report from the Viceroy of the Liang Kiang immediately, and that Your Highness will communicate to me at an early date the decision of Your Government respecting the matter.

I avail myself, etc. etc.

(Signed) W. W. ROCKHILL,

very important matter, and I am compelled on behalf of my Government to urge upon Your Highness the necessity of immediate steps to put an end to this unnecessary delay on the part of the provincial authorities, whose indifference or neglect is preventing the introduction of the reforms so imperatively demanded by the condition of affairs in the Mixed Court at Shanghai. Nearly every week I receive communications from the American Consul General at Shanghai, calling my attention to the importance of this matter. It is quite as much to the interest of China as of the other parties that the old Mixed Court Rules be revised, and I can see no reason for the apparent unwillingness of Your Highness' Government to take the necessary action in a matter of such pressing concern to all interests at Shanghai, both native and foreign.

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I avail myself, etc. etc.

(Signed) W. W. ROCKHILL.

Enclosure No. 4 in Despatch No. 178

From F. O. No. 86.

Despatch from H.I.H. Prince of Ch'ing, President of the Board of Foreign Affairs, to Hon. W.W. Rockhill, American Minister, in reply to Complaint of Delay in the Matter of the Revised Mixed Court Regulations for Shanghai.

Peking, November 24, 1905.

I have the honor to acknowledge the receipt on yesterday of Your Excellency's despatch saying that on the 27th of the Ninth Moon, Western Calendar, the Dean of the Diplomatic Corps, on behalf of the Ministers of the various countries, had sent me a despatch urging speedy action in the matter of the Shanghai Mixed Court Regulations, and that he had received a reply stating that the provincial authorities of the Kiangnan had not yet reported upon them; that two months had now passed since this reply had been received, and that nothing had been done with regard to the question; and that you were compelled in behalf of your Government to urge me to take measures to prevent any further delay on the part of the local authorities to the hindrance of this very important matter of revising the Shanghai Mixed Court Regulations.

As to these Regulations My Board has repeatedly sent instructions to the Superintendent of Trade for the South urging him to make investigation and report, as the records show.

I have just received a telegram from the said Superintendent saying that he had had correspondence with the Taotai at Shanghai with regard to the Mixed Court Regulations of that port and had thoroughly considered the matter, and that they had agreed upon a draft which had been sent forward the day

Enclosure No. 4 in Despatch No. 177

From P. O. No. 86. Despatch from H.I.H. Prince of Ch'ing, President of the Board of Foreign Affairs, to Hon. W.W. Rockhill, American Minister, in reply to Complaint of Delay in the Matter of the Revised Mixed Court Regulations for Shanghai.

Peking, November 24, 1903.

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Encl. No. 4, Des. No. 178.

before enclosed in a despatch to me. As the reply of the aforesaid official has already been mailed it must arrive herewithin a few days, and on its receipt I shall consider its proposals and communicate with Your Excellency. In the meantime, as in duty bound, I send this despatch for your information.

A Necessary Despatch.

Kuanghsu XXXI Year, Tenth Moon, 26th Day.

(November 24, 1905)

Encl. No. 4, Des. No. 178.

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A Necessary Despatch.

Kuanghsu XXXI Year, Tenth Moon, 26th Day.

(November 24, 1905)

Enclosure No. 5 in Despatch No. 078.

Note of H.H. the Prince of Ch'ing to Baron von Mumm, Dean of the Diplomatic Body.

(TRANSLATION)

Peking, December 4, 1905.

On the 5th of January, 1905, His Excellency Baron Czikann, formerly Minister of Austria-Hungary and Dean of the Diplomatic Body, addressed an official note concerning the revision of the rules of the Mixed Court at Shanghai. It was therein said that the labors of the court tend constantly to increase, and that since therefore the revision of the rules had become an urgent necessity, the foreign Consuls at Shanghai had not failed to consider them and had proposed amendments which they had transmitted to the Representatives of the Powers at Peking which now communicated them to me. This note was accompanied by proposed amendments in eleven articles.

This Ministry has kept up a regular correspondence with the Superintendent of Southern Trade on this subject, and has several times urged him in writing to transmit his reply as soon as possible. On the 28th November I received a letter from the Superintendent of Southern Trade saying that he had just taken up the question of the amendments to the rules of the Shanghai Mixed Court, but as it was necessary to add to some of the suggestions and cut out from others, he had tried to bring the rules to a state of perfection to meet the present requirements. My Ministry has again examined the rules and has reached the conviction that all the articles as settled upon are perfectly proper.

Enclosure No. 3 in Despatch No. 678.

Note of M. [illegible] the Prince of Ching
to Baron von Mumm, Dean of the
Diplomatic Body.

(TRANSLATION)

Peking, December 4, 1909.

On the 5th of January, 1909, His Excellency Baron Aehrenthal, formerly Minister of Austria-Hungary and Dean of the Diplomatic Body, addressed an official note concerning the revision of the rules of the Mixed Court at Shanghai. It was therein said that the labors of the court had constantly to increase, and that since therefore the revision of the rules had become an urgent necessity, the Foreign Ministry at Shanghai had not failed to consider them and had proposed amendments which they had transmitted to the Representatives of the Powers at Peking which now communicated them to me. This note was accompanied by proposed amendments in eleven articles.

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I have the honor to transmit herewith to Your Excellency, as Dean of the Diplomatic Body, copy of the rules with the request that you will bring it to the knowledge of the representatives of the Powers at Peking so that they may communicate these rules to the foreign Consuls at Shanghai and give them the necessary instructions for their general observance.

Trusting that I may receive an answer from Your Excellency on this matter, I avail myself etc.

(Signed) PRINCE OF CH'ING.

Sub-enclosure in Enclosure No. 5.

I. a) The Mixed Court at Shanghai shall keep separate dockets in Chinese of all Police cases and Mixed civil cases, entering each case separately, numbering it consecutively, with the date of filing, the names of the parties in full, their nationality, the thing claimed, with the minutes and date of all orders, decrees continuances, appeals, and proceedings until final judgement, and a sufficient minute of the final judgement.

b) The Mixed Court shall have power to deal with all civil cases punishable by cangue or beating with the bamboo or by imprisonment not exceeding three years, and shall keep a separate docket thereof as above provided.

c) Such several dockets - except those of police cases, and Mixed civil cases, which may be examined by any party materially interested at any time after the case has been decided - if they contain confidential or important information which it is not advisable to divulge, shall not be subject to inspection.

The remaining civil cases brought directly to the court, need to be recorded in a separate docket, but when such cases are disposed of, the judgement together with a statement of the names of the parties and witnesses already set at liberty or otherwise dealt with shall be exhibited in due course on the Notice Board for general information.

II. All trials and proceedings in the Mixed Court of Shanghai shall be open to the public, unless the Assessor and Judge agree that for confidential reasons and for public morale the case should be private.

III. The Office of the Magistrate of the Mixed Court shall be an official post with all the attributes of the Yamen of a prefect Independent Sub-Prefect, or Independent Departmental Magistrate. The Magistrate shall be selected and deputed from among the Prefects, Sub-Prefects, Assistant Sub-Prefects, Departmental and District Magistrates of the Province. If the official deputed be a Departmental or District Magistrate, the rules shall be followed applying to an Acting Prefect or Acting (Independent?) Departmental Magistrate. His official dealings and correspondence shall be

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b) The Mixed Court shall have power to deal with all civil cases punishable by caning or beating with the bamboo or by imprisonment not exceeding three years, and shall keep a separate docket thereof as above provided.

c) Such several dockets - except those of police cases, and Mixed civil cases, which may be examined by any party materially interested at any time after the case has been decided- if they contain confidential or important information which it is not advisable to divulge, shall not be subject to inspection.

The remaining civil cases brought directly to the court, need to be recorded in a separate docket, but when such cases are disposed of, the judgement together with a statement of the names of the parties and witnesses already set at liberty or otherwise dealt with shall be exhibited in due course on the Police Board for general information.

II. All trials and proceedings in the Mixed Court of Shanghai shall be open to the public, unless the Assessor and Judge agree that for confidential reasons and for public morals the case should be private.

III. The Office of the Magistrate of the Mixed Court shall be an official post with all the attributes of the Yamen of a prefect Independent Sub-Prefect, or Independent Departmental Magistrate.

The Magistrate shall be selected from among the Prefects, Sub-Prefects, Assistant Sub-Prefects, Departmental and District Magistrates of the Provinces. If the official deputed be a Departmental or District Magistrate, the rules shall be followed applying to an Acting Prefect or Acting (Independent?) Departmental Magistrate. His official dealings and correspondence shall

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be conducted on the lines followed by a Prefect, Independent Sub-Prefect, or an Independent Departmental Magistrate. If there is no suitable official in the Province, an official from another Province may be used. The Shanghai Taotai shall in either case request the Viceroy and the Governor to make the appointment, (and if occasion demands) to address (the authorities of another Province asking for the)use (of an official's services)./ (Translator: The Chinese drafting requires amendment here). The date of his taking over and handing over charge shall be reported to the Board.

IV. a) In all cases except where both parties are Chinese and in which no foreigner is involved, a foreign official shall sit as assessor. The powers of these foreign assessors who shall be appointed by the several Consular Representatives, subject to the Treaty rights of each nationality of foreigners, shall be exercised in accordance with the provisions of the Chefoo Convention, Section II.

b) If the Magistrate and Assessor fail to agree after consideration upon the decision in any case, it shall be referred to the Taotai and Consul or Consul General concerned, as the case may be.

V. The Mixed Court gaol shall be kept under European sanitary conditions. An experienced and capable Chinese medical officer shall be engaged by the Court itself to carry out this work, and the Shanghai Taotai shall set aside funds for this purpose.

If in the future the Court gets a proper gaol separate rules will be drawn up for its satisfactory administration.

VI. No warrant or summons of the Mixed Court against Chinese in the Foreign settlement north of the Yangkingpong shall be enforced unless countersigned by the Senior Consul. (In the case of respectable persons, and when the circumstances of the case are not really grave, a summons should only be issued and warrants must not be used unnecessarily. If a party fails to appear when summoned more than once he may then be arrested under a warrant).

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shall be conducted on the lines followed by a Prefect, Independent Sub-Prefect, or an Independent Departmental Magistrate. If there is no suitable official in the Province, an official from another Province may be used. The Shanghai Taotai shall in either case request the Viceroy and the Governor to make the appointment, (and if occasion demands) to address (the authorities of another Province asking for the)use (of an official's services). (Translator: The Chinese drafting requires amendment here). The date of his taking over and handing over charge shall be reported to the Board.

IV. a) In all cases except where both parties are Chinese and in which no foreigner is involved, a foreign official shall sit as assessor. The powers of these foreign assessors who shall be appointed by the several Consular Representatives, subject to the Treaty rights of each nationality of Joint Court, shall be exercised in accordance with the provisions of the Chefoo Convention, Section II.

If the Magistrate and Assessor fail to agree after consideration upon the decision in any case, it shall be referred to the Taotai and Consul or Consul General concerned, as the case may be.

V. The Mixed Court goal shall be kept under European and Chinese conditions. An experienced and capable Chinese medical officer shall be engaged by the Court itself to carry out this work, and the Shanghai Taotai shall set aside funds for this purpose.

If in the future the Court finds a proper Goal separate rules will be drawn up for its satisfactory administration.

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rent must be also countersigned by the Consul of the nationality of the employer of the defendant.

In Chinese cases where the parties are summoned by the Chinese Magistrate, they may be released on bail if the hearing of the case is not at once impending, so as to avoid detention in custody.

Now that no torture is employed in hearing cases, the new regulations sanctioned by the Throne shall be followed.

VII. In all cases civil or criminal which come before the Court where a foreign assessor is sitting and both parties are represented by Counsel, before an attorney or Counsel is admitted to practise in the Mixed Court he must satisfy the Court that he has been admitted to practise in the Consular Court of his own nationality at Shanghai.

VIII. (No alteration)

IX. In cases involving principles where no precedents exist in Chinese law, the Court shall be governed by Chinese commercial custom and equity.

X. (No alteration)

XI. All parts of the present rules and regulations for the Mixed Court of Shanghai, not in conflict with these supplementary Amendments, are hereby continued in full force, and the Chinese and foreign officials shall do their best to carry out the same.

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North China Daily News, Dec. 12. 1905.

Encl? No. 6, in Desp. No. 178

Enclosure 6.

LEGATION OF THE UNITED STATES OF AMERICA,

PEKING, CHINA.

THE MUNICIPAL COUNCIL.

Mixed Court.

The following letter, with enclosures, is ordered for publication as bearing on the recent dispute at the Court :—

Shanghai, 22nd June, 1905.

DEAR SIR,—I have the honour to forward to you :—

1.—Translation of a dispatch from the Taotai, dated 10th of June 1905.

2.—Translation of a reply dated 21st of June 1905.

As it appears impossible to come to terms with the local Chinese authorities I have been instructed by my colleagues to proceed to Nanking and to discuss the question with His Excellency the Viceroy.

I have the honour to be,

Dear Sir,

Your obedient servant,

DR. KNAPPE,

Consul-General for Germany and Senior Consul.

F. ANDERSON Esq.,

Chairman, Municipal Council.

Translation of dispatch from Taotai to Senior Consul, dated the 10th June, 1905.

The Taotai writes in reply to the letter of the 6th inst. that according to all the treaties a Chinese offender is under the jurisdiction of China. If a Chinese commits an offence in the Settlement, he is to be tried and detained in custody by the Magistrate of the Mixed Court according to Article I of the rules for the Mixed Court at Shanghai.

The Mixed Court has existed in Shanghai for several tens of years; but neither is there any mention in the treaties, nor is there any precedent to show that a female convict has ever been sent to the Municipal Goal.

I have been, the Taotai continues, in Shanghai for four years as Taotai and have always endeavoured in my intercourse with the foreign Consuls to act in an amicable manner. I cannot understand how you, as Senior Consul, influenced by the Municipal Council, can address to me a request which is not in conformity with the treaties.

In consequence of the successive enlargements of the Settlement the number of the cases which have to be tried in the Mixed Court has increased. And accordingly the gaols for male and famale prisoners, which in former times were regarded as large enough, have proved to be too small. I have therefore given instructions to the Mixed Court Magistrate to repair and cleanse the Mixed Court's gaols and to choose a place on the Mixed Court's premises for erecting new buildings.

Mr. Twyman, the British Assessor, has inspected the places and declared them as fit for use. Thereupon I have set apart a sum of money for the construction of the new buildings and have thus done my duty.

Female convicts have to be tried as soon as they have been taken and immediately after the trial they are to be dealt with according to the sentence.

If there have occurred delays in producing female convicts because I do not agree with their being sent to the Municipal gaol, and if consequently cases accumulate, the fault lies not with me but with the foreign assessor. According to Chinese law offenders who have committed a crime are sent to prison; those who have only committed a trivial offence are kept in custody.

Never has there been equal treatment in all the cases without regard for the severity of the case.

Your request that I should agree with the female convicts for the present being sent to the Municipal goal is not in accordance with the treaties, and I am therefore not in a position to comply with it.

Translation of the Senior Consul's reply dated 21st June, 1905.

I have the honour to acknowledge the receipt of your letter dated 10th of this month which I have submitted to the Consular Body.

I have received instructions to reply to you as follows :

You forget to mention that male prisoners in all Chinese cases of the Mixed Court have been taken to the Municipal gaol since its creation. In this way thousands and thousands of Chinese have undergone their punishment up to the present date and the average number of convicts detained there is 450 per day.

Female prisoners have not been taken to the Municipal prison so far because no accommodation for women was in existence up to a short time ago. But the Municipality have granted a large amount of money and erected a special gaol for women.

There is no difference in principle between male and female prisoners and it is not comprehensible, why, if you agree that male prisoners to the number of four hundred and fifty are kept regularly in the Municipal gaol, you should object to a few female prisoners being sent to the same establishment.

It is evident by your conduct in this matter as well as in many others, that your principle is obstruction to any progress in the interest of humanity.

There appears to be no chance of coming to an understanding with you.

I have therefore received instructions from my colleages to proceed to Nanking and to negotiate with H. E. the Viceroy in this and some other matters.

I have the honour, etc.

(Signed) Dr. KNAPPE.

Encl: No. 7, in Desp. No. 178. Enclosure 7

Mixed Court Dispute: Minutes of Consular Meeting of - July 26, 1905.

Minutes of Consular Meeting.

July 26, 1905.

Present: All the members of the Consular Body except the Representatives for Russia and Sweeden and Norway.

1. Uniform. The Consular Body instructed the Senior Consul to suggest to the Taotai that he should ask the Consular Body not to come in Uniform to the Tiffin at the Emperor's Birthday, but in white.

11. Sealing of Proclamations by the Senior Consul. The Consular Body authorized the Senior Consul to examine in every case the contents of every proclamation issued by the Chinese Authorities and to affix or refuse his seal at his own discretion.

111. Question of Pimps. The Consular Body declared their willingness to assist the Municipal Council in their endeavors to suppress the pimps. Answer to this effect is to be sent to the Chairman of the Municipal Council. It was resolved that every consul should examine the list of pimps sent in by the Municipal Council and should inform the Senior Consul if the nationalities given are correct.

1V. Mixed Court. Letter frm the Consul of the 24th inst. was read. At the request of the Taotai (comp. his letter of the 17th inst) particular cases of irregularities on the part of the Mixed Court Magistrate will be notified to the Taotai; the Council will further be asked for details.

At the suggestion of Mr. Potier, Consul-General for Portugal, it was resolved to note in these Minutes that in

Encl: No. 7, in Desp. No. 178.

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III. Question of Pimps. The Consular Body declared their willingness to assist the Municipal Council in their endeavors to suppress the pimps. Answer to this effect is to be sent to the Chairman of the Municipal Council. It was resolved that every consul should examine the list of pimps sent in by the Municipal Council and should inform the Senior Consul if the nationalities given are correct.

IV. Mixed Court. Letter from the Consul of the 24th inst. was read. At the request of the Taotai (comp. his letter of the 17th inst) particular cases of irregularities on the part of the Mixed Court Magistrate will be notified to the Taotai; the Council will further be asked for details.

At the suggestion of Mr. Potier, Consul-General for Portugal, it was resolved to note in these Minutes that in

the future the Assessors of the Mixed Court, when finding that a female defendant should be sentenced to imprisonment should send her to the Municipal goal for female prisoners.

V. Road to the Hills. The Senior Consul mentioned that the deputy sent by the Viceroy was apparently already here.

Mr. Rodgers declared that he had official notice from Peking that the matter was pending there for the present. Therefore the matter was left over.

Vl. Chinese Reformatory. Letter of the Committee was read at the suggestion of the Senior Consul it was resolved to ask the Municipal Council for their opinion. In the meantime every Consul should study the rules for the reformatory and give his opinion at the next meeting.

Vll. Native Bank Orders. Letter from the Chairman of the General Chamber of Commerce of the 13th inst. was read. The Senior Consul was instructed to write to the Taotai in conformity with application.

Vlll. Personnel des Legations Estrangeres a Peking. The Senior Consul was instructed to ask the Doyen of the Diplomatic Body for a number of copies of the above list.

(Signed) Dr. Knappe,

Senior Consul.

Shanghai, August 1, 1905.

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V. Road to the Hills. The Senior Consul mentioned that the deputy sent by the Viceroy was apparently already here.

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VI. Chinese Reformatory. Letter of the Committee was read at the suggestion of the Senior Consul it was resolved to ask the Municipal Council for their opinion. In the meantime every Consul should study the rules for the reformatory and give his opinion at the next meeting.

VII. Native Bank Orders. Letter from the Chairman of the General Chamber of Commerce of the 13th inst. was read. The Senior Consul was instructed to write to the Taotai in conformity with application.

VIII. Personnel des Legations Retrangeres a Peking. The Senior Consul was instructed to ask the Doyen of the Diplomatic Body for a number of copies of the above list.

(Signed) Dr. Knapp,

Shanghai, August 1, 1905. Senior Consul.

Enclosure No/ 8, in Despatch No. 178.

AMERICAN CONSULAR SERVICE.

Shanghai, July 27, 1905.

Hon. W. W. Rockhill,
E. E. & M. P., U. S. A.,
Peking.

S i r :

I have the honor to acknowledge the receipt of your No. 97, concerning the Road to the Hills and the altering of the rules of the Mixed Court of Shanghai.

In reply I beg to inform you that both of these subjects were discussed at a meeting of the Consular Body Wednesday, the conclusion being to do nothing. The disposition of the British representative is of course to sustain the Municipal Council in both conditions, but this is vigorously resisted by many others. No report has been received from the Viceroy on the question of the Road. As to the Mixed Court I shall instruct our Assessor to adhere to the established rules until changes are authorized from Peking.

I have the honor to be, Sir,

Yourobedient servant,

(Sgd) JAMES L. RODGERS,
American Consul General.

Enclosure No. 9 in Despatch No. 178.

AMERICAN CONSULATE GENERAL.

Shanghai, August 21, 1905.

Hon. W. W. Rockhill,
American Minister,
Peking, China.

S i r :

I have the honor to inform you that a rather bad state of affairs exists in relation to the Mixed Court at Shanghai. The Shanghai Municipal Council sometime ago, without consulting the Consular Body and with no notification to the Assessors other than the British, instituted some new procedures, which the Chinese authorities interpreted as an infringement of their authority and practically in violation of the rights guaranteed by the treaty. The Municipal Council claimed their "suggestions" which were put in force, were in the interest of reform, to prevent extortion of money from prisoners, and to provide for a proper administration of justice. The Consular Body, when the matters were brought to its attention by the Taot'ai and then by the Municipal Council, simply temporized, but reproved the Municipal Council. It was afterwards decided to leave the method and manner of the conduct of the Court as far as the new processes were concerned to the discretion of the Assessors. The Taot'ai had practically withdrawn his objection to some of the new ideas, but the Magistrate objected strongly to that which required the delivery of the prisoners after punishment to the Municipal police who returned them to the Sentral Station there to be released.

Upon receipt of your recent despatch in relation to the Mixed Court, I instructed our Assessor Mr. Arnold to observe

No. 1.

AMERICAN CONSULATE GENERAL.

Shanghai, August 21, 1906.

Hon. W. W. Rockhill,

American Minister,

Peking, China.

Sir:

I have the honor to inform you that a rather mod
est or effete epidemic in relation to its fixed Court at
Shanghai. The Shanghai municipal council meeting auto-
matically (without the formality of a notification
to the Ambassadors) when the British, instituted some new
procedures, which the Chinese authorities interpreted as an
infringement of their authority and practically invalidation
of the rights guaranteed by the treaty. The municipal Coun-
cil claimed that "suggestions" which were put in force, were
in the interest of justice, to prevent extortion of money from
prisoners, and to provide for a proper administration of
matters. The Conference body, when the matters were brought
to its attention by the Consular body then by the Municipal
Council, stood temporized, but removed the Municipal Coun-
cil. It was afterwards decided to leave the matter
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dure concerned to the discretion of the Assessors.
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the new ideas, but the Secretary objected strongly to that
which required the delivery of the prisoners after punishment
to the Municipal police who returned them to the Central Sta-
tion there to be released.

Upon receipt of your recent despatch in relation to the
Mixed Court, I instructed our Assessor, Mr. Hold to observe

Encl. No. 9 in Desp. No. 178.

the old rules and customs. That has been done and now the police and the Municipal Council protest against releasing prisoners directly after punishments. I have told them that I do not recognize their right to interfere, and that attitude I shall maintain.

All this is written to acquaint you with a situation that is getting worse every year. The root of the whole question is the assumption by the Municipal Council that it knows best about all things in relation to the International Settlement and can do as it pleases. The Road to the Hills is an instance.

It is my hope that the Diplomatic Corps at Peking will take this matter up and reach a conclusion soon which will have the effect of putting an end to a condition which is a menace to the intercourse between foreigners and Chinese in Shanghai. There undoubtedly is necessity for reform in the Mixed Court, but I am inclined to believe that the Chinese will make concessions readily if they are properly approached. It is just such causes as this which make possible the employment and existence of "foreign advisers" to the authorities here. The result of their advice is usually trouble and growing distrust and antagonism, to say nothing of the private ends furthered.

I would be obliged for such informatoon as you may be able to give as to the status of this qurstion in Peking.

I have the honor to be, Sir,

Your obedient, servant,

(Sgd) JAS. L. RODGERS,

American Consul General.

Encl. No. 2 in Desp. No. 173.

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All this is written to acquaint you with a situation that is getting worse every year. The root of the whole question is the assumption by the Municipal Council that it knows best about all things in relation to the International Settlement and can do as it pleases. The Road to the Hills is an instance.

It is my hope that the Diplomatic Corps at Peking will take this matter up and reach a conclusion soon which will have the effect of putting an end to a condition which is a menace to the intercourse between foreigners and Chinese in Shanghai. There undoubtedly is necessity for reform in the Mixed Court, but I am inclined to believe that the Chinese will make concessions readily if they are properly approached. It is just such causes as this which make possible the employment and existence of "foreign advisers" to the authorities here. The result of their advice is usually trouble and growing distrust and antagonism, to say nothing of the private ends furthered.

I would be obliged for such information as you may be able to give as to the status of this question in Peking.

I have the honor to be, Sir,

Your obedient, servant,

(Sgd) JAS. L. RODGERS,

American Consul General.

Enclosure No. 10, in Despatch No. 178.

Translation.

Prince of Ch'ing to Baron von Mumm, Dean of the Diplomatic Body, December 11, 1905.

Peking, December 11, 1905.

On the 14th of the 11th Moon of the 31st Year of Kuanghsü (December 10th, 1905) I received from the Superintendent of Southern Trade the following Telegram:

"The Taotai of Shanghai conveys to me the following telegraphic report just made to him orally by Mr. Kuan, deputy at the Mixed Court:

"'On the arrival at this port of the river steamer, a detective having found on board twelve young girls, whose presence seemed suspicious, they were taken this morning to the Mixed Court to be questioned. As all of them were servants bought in Ssuch'uan by an official of that Province his relatives or friends, for their personal use, and in no wise destined to be disposed of in a doubtful traffic, the deputy, after vainly trying to reach an amicable understanding with the British Vice Consul, Mr. Twyman, ordered his men to remove the girls in question to be held at the disposal of the Court for additional investigation. The Chief of Foreign Police opposed this, and, using violence, his agents and constables struck right and left with their clubs as a consequence of which two of the deputy's men were wounded, and several persons among the crowd of onlookers, unable to get out of the way, were severely beaten. The women (girls) were then seized and led off to the (foreign)

Enclosure No. 10, in Despatch No. 473.

Translation.

Prince of Ch'ing to Baron von Mumm, Dean of the Diplomatic Body, December 11, 1908.

Peking, December 11, 1908.

On the 14th of the 11th Moon of the 33st Year of Kuang Hsu (December 10th, 1908) I received from the Superintendent of Southern Trade the following Telegram:

"The Taotai of Shanghai conveys to me the following telegraphic report just made to him orally by Mr. Young, deputy at the Mixed Court:

"'On the arrival at this port of the river steamer, a detective having found on board twelve young girls, whose presence seemed suspicious, they were taken this morning to the Mixed Court to be questioned. As all of them were servants bought in Hunan by an official of that Province his relatives or friends, for their personal use, and in no wise destined to be disposed of in a doubtful traffic, the deputy, after vainly trying to reach an amicable understanding with the British Vice Consul, Mr. Twyman, ordered his men to remove the girls in question to be held at the disposal of the Court for additional investigation. The Chief of Foreign Police opposed this, and, using violence, his agents and constables struck right and left with their clubs in a consequence of which two of the deputy's men were wounded, and several persons among the crowd of onlookers, unable to get out of the way, were severely beaten. The women (girls) were then seized and led off to the (Foreign)

"'police station. The foreign official (i.e. Mr. Twyman) instead of stopping his agents, approved and encouraged them. The Chinese deputy restrained his men, who fortunately did not strike anyone.

"'A Court is a place where justice is rendered, and the fact of striking in court the ch'ai jen (runners) of an official, is not only disrespect to the laws and justice but also a breach of decorum and propriety. I shall therefore be indebted to you if you will officially request the Dean of the Diplomatic Body at Peking to equitably settle the incident.'

"I have furthermore received from the gentry and merchants of Shanghai the following telegraphic request:

"'The woman Li ~~Fan~~ Huang ~~Fan~~ Wang, not Li ~~Fan~~ Wang, is the wife of a prefectural secretary of Ssu-ch'uan, named Li T'ing-yü. The dying, his widow, accompanied by her daughter-in-law, and her young child, was returning to Kuang-tung with the remains of her husband. She had with her a certain number of serving women, and she was bearer of a passport from the Ch'uan-tung. The British police having without cause charged her with proxenetism, took her before the (Mixed) Court, and, contrary to the Regulations, had her imprisoned in the western jail (i.e. the Municipal Council jail) where she still is. The people are angered and threatening.'"

Considering that there is in this present case neither plaintiff nor accused, that it appears that it is not a case of proxenetism, that the matter does not concern any foreigner, that, notwithstanding all this, foreign police agents have in court struck ch'ai jen (official runners),

"police station. The foreign official (i.e. Mr. Twyman) instead of stopping his agents, approved and encouraged them. The Chinese deputy restrained his men, who fortunately did not strike anyone.

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"I have furthermore received from the gentry and merchants of Shanghai the following telegraphic request:

"'The woman Li _____ Yan Huang _____, not Li Yan Wang , is the wife of a prefectural secretary of Sau-ch'uan, named Li T'ing-yü _____ The dying, his widow, accompanied by her daughter-in-law, and her young child, was returning to Kuang-tung with the remains of her husband. She had with her a certain number of serving women, and she was bearer of a passport from the Ch'uan-tung. The British police having without cause charged her with proxenetism, took her before the (Mixed) Court, and, contrary to the Regulations, had her imprisoned in the western jail (i.e. the Municipal Council jail) where she still is. The people are angered and threatening.'"

Considering that there is in this present case neither plaintiff nor accused, that it appears that it is not a case of proxenetism, that the matter does not concern any foreigner, that, notwithstanding all this, foreign police agents have in court struck ch'ai jen (official runners),

and that innocent women have been arrested and imprisoned, and that their actions can be justified neither by the treaties nor by the circumstances nor reason, I have therefore the honor to send Your Excellency the present despatch and to beg you, Monsieur the Dean, to take steps with the British Minister at Peking to the end that he may send instructions to his Consul General at Shanghai to have, in the first place, liberated the women imprisoned in the western jail, and then to reach an agreement with the Shanghai taot'ai for an equitable settlement of the matter, so that the population may be calmed and treaty provisions kept.

I shall be obliged to Your Excellency for an answer.

"Important Matter".

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I shall be obliged to Your Excellency for an answer.

"Important Matter".

Enclosure No.11 in Despatch No. 178

Baron von Mumm to the Prince of Ch'ing.

Peking, December 17, 1905.

Your Imperial Highness:

I have the honor to inform Your Imperial Highness that I have called the attention of my Honorable Colleagues and especially of His Excellency the British Minister to your note of Decemberll with regard to an incident at the Mixed Court in Shanghai.

My Honorable Colleagues of Great Britain and the United States whose assessors together with the German representative take part most commonly in the proceedings of the Mixed Court have begged me to inform you that we are agreed in thinking that in accordance with the explanation furnished by Your Highness, the Chinese women in question should be released immediately. They have furthermore authorized me to inform you that we are prepared to give orders to our respective Consuls General in Shanghai to come to an agreement with the Taotai as to an equitable solution of the question.

We have communicated these instructions to the rest of our Honorable colleagues who are of the same mind with us.

Since this was done a telegram has reached me from Shanghai stating that the women in question had been liberated.

This being the case I feel it my duty to insist with Your Imperial Highness on behalf of my Honorable Colleagues that formal orders be given forthwith that the sessions of the Mixed Court, suspended temporarily as a result of the incident in question should be resumed immediately to avoid the serious injury to public interests in Shanghai which would result from the continued opposition of the Chinese Magistrate of the Mixed Court.

I seize etc. etc.

(Signed) A. v. Mumm.

Enclosure No.11 in Despatch No. 173

Baron von Mumm to the Prince of Ch'ing.

Peking, December 17, 1903.

Your Imperial Highness,

I have the honour to inform Your Imperial Highness that I have called the attention of My Honourable Colleagues and especially of His Excellency the British Minister to your note of December with regard to an incident at the Mixed Court in Shanghai.

My Honourable Colleagues of Great Britain and the United States whose assessors together with the German representative have most commonly in the proceedings of the Mixed Court have begged me to inform you that we are agreed in thinking that in accordance with the explanations furnished by Your Highness, the Chinese woman in question should be released immediately. They have furthermore authorized me to inform you that we are prepared to give orders to our respective Consuls-General in Shanghai to come to an agreement with the Taotai as to an equitable solution of the question.

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I seize etc. etc.

(Signed) A. v. Mumm.

Enclosure No. 12 in Despatch No. 178,

Prince of Ch'ing to Mr. Rockhill.

Peking, December 19, 1905.

I have the honor to inform Your Excellency that on the 19th of December 1905 an Imperial Edict was issued as follows:

"The various telegrams submitted by the Foreign Board have been carefully noted. It seems that a Mrs. Li, nee Huang, who was returning to Canton with her family, was wrongfully accused of kidknapping before the Mixed Court of Shanghai; that the family was forcibly confined in the Municipal jail; and that the Municipal Police by their arrogant display of authority excited the anger of the people. While the Board of Foreign Affairs was in the midst of their deliberations with the Foreign Ministers at Peking and making a just arrangement (as to the Mixed Court) it is unfortunate that there should have been some ignorant ruffians who availed themselves of this pretext to close up their stores, burn the jail, and injure human life. Shanghai being a commercial port is a place of important concern. What are all the officials down there doing that such a serious affair as this should happen? Let the Viceroy of the Lian Kiang and the Governor of Kiangsu immediately arrest the leader and all the offenders concerned in this trouble. Let them be arrested and severely punished immediately. Let these officials also impeach all the local officials who have been remiss in their duty, either civil or military. Let Chou-fu proceed to Shanghai at an early date and make a complete and thorough inquiry into the whole affair, and devise means to deal with it. At the same time let him explain the whole matter to the people and restore quiet. Respect this"

(Signed) PRINCE OF CH'ING.

Enclosure No. 12 in Despatch No. 178.

Prince of Ch'ing to Mr. Rockhill.

Peking, December 19, 1905.

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(Signed) PRINCE OF CH'ING.

Enclosure No. 13 in Despatch No. 178.

Draft of Letter of the Dean of the Diplomatic Body to the Consular Body at Shanghai.

(Translation)

Peking,----------1905.

Mr. Consul General,-

In view of the late incidents at Shanghai my honorable Colleagues have requested me to make the following statement to the Consular Body:

The Representatives of the Powers have learned with astonishment that the Consular Body has decided in a Meeting held on the 26th of last July that the Assessors at the Mixed Court should send to the Municipal jail Chinese women condemned by that Court to be imprisoned.

Their attention has also been called to a letter sent by the Taot'ai under date of the 10th of June to the Dean of the Consular Body, and which has just been published in the "North China Daily News", and in which this office formally refuses to agree that condemned Chinese women shall be imprisoned in the Municipal jail.

My honorable Colleagues have requested me to recall to you that by Article I of the Rules for the Mixed Court it is the Magistrate who is authorized to confine Chinese prisoners.

These rules were adopted in 1869 by the Foreign Representatives at Peking and the Chinese Government, to whom it belongs to modify them by common consent. The Consuls are not empowered to suspend its application nor introduce changes therein without the approbation of the Representatives of the Powers and the Chinese Government; such action would conflict with all the conventions which regulate the relations between the Chinese and foreigners in open ports.

Enclosure No. 13 in Despatch No. 178.

Draft of letter of the Dean of the Diplomatic Body to the Consular Body at Shanghai.

(Translation)

Peking,----------1909.

Mr. Consul General,-

In view of the late incidents at Shanghai my honorable Colleagues have requested me to make the following statement to the Consular Body:

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These rules were adopted in 1869 by the Foreign Representatives at Peking and the Chinese Government, to whom it belongs to modify them by common consent. The Consuls are not empowered to suspend its application nor introduce changes therein without the approbation of the Representatives of the Powers and the Chinese Government; such action would conflict with all the conventions which regulate the relations between the Chinese and foreigners in open ports.

While calling your attention to the facts and principles as stated above, the Diplomatic Body wishes to inform the Consular Body that it is of opinion that the decision above referred to should be at once annulled. As soon as this has been done we request that you will inform the Municipal Council.

This to be modified as set out in No. 188 Ch. D

While calling your attention to the facts and principles as stated above, the Diplomatic Body wishes to inform the Consular Body that it is of opinion that the decision above referred to should be at once annulled. As soon as this has been done we request that you will inform the Municipal Council.

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Secretary of State.
FEB 8 1906

ASSISTANT SECRETARY.
FEB 7 1906

Ans. Feb. 14

No. 179. December 24, 1905.

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DEPARTMENT
OF STATE.

Mr. Rockhill to the Secretary of State.

Subject:

Rumored intention of the United States to pay back to China the balance of the indemnity.

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No. 179.
RJ.

AMERICAN LEGATION,
PEKING, CHINA.

December 24, 1905.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I enclose herewith a telegram purporting to come from Peking which has been reproduced in all the foreign papers of the East. It states that I called on the Chinese Foreign Office and informed it that the United States contemplated paying back to China our share of the Boxer indemnity fund. Of course I never had the interview mentioned, nor have I ever stated any such thing to the Chinese Wai-wu Pu.

For the last year the Chinese have seen frequent mention in the American papers of such a suggestion and I have had the subject broached to me by both the Minister for Foreign Affairs and the Viceroy of this province, but I naturally have never intimated that such a thing was being considered by our Government let alone that it was probable.

I enclose also an editorial from the Japan Mail on the same subject.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1. Telegram, dated Peking, November 30, 1905. Clipped from "Japan Mail" of December 7, 1905.
2. Clipping: Editorial from the "Japan Mail" re indemnity refund.

Encl. #1 in Des. #179.

LEGATION OF THE UNITED STATES OF AMERICA,
PEKING, CHINA.

THE BOYCOTT.

Peking, November 30.

The American Minister (Mr. Rockhill) has paid a visit to H. E. Na Tung, President of the Waiwupu, and reminded him that the U.S.A. intend to pay back the sum of £20,000,000 sterling, their share of the Boxer indemnity, and that a Bill to that effect is to be placed before Congress, but that the Anti-American Boycott movement has displeased the members of Congress and made it difficult to pass the bill.

H. E. Na Tung in answer said the Chinese Government had already issued orders to stop the Anti-American movement movement and is endeavouring to establish more intimate relations between the two nations; also that many Chinese wish to proceed to the United States and therefore it is desirable that the American Government shall extend more liberal treatment to enable Chinese to enter America.

It is understood that the Chinese Government is really rather pleased with the effect of the Anti-American movement.

Encl. # 2 in Des. # 179.

LEGATION OF THE UNITED STATES OF AMERICA,
PEKING, CHINA.

The Japan Daily Mail.

YOKOHAMA, MONDAY, DECEMBER 11, 1905.

THE UNITED STATES AND THE BOXER INDEMNITY.

THERE appears to be little doubt that the United States Government, at the instance of the PRESIDENT, is contemplating with regard to the indemnity paid by China in connexion with the Boxer outrages a course similar to that pursued in the case of the Shimonoseki Indemnity, namely, the restoration of the money to China. Telegrams received this morning (9th instant) by the *Jiji Shimpo* from Peking say that the project is to subtract the expenses actually incurred by America in the campaign and to pay back the remainder, namely, 20 million *yen*. If that be an exact version of the plan it assumes the character of a mere act of justice, for the United States, in common with the other Western claimants, was supposed to have demanded and received only just what had actually been disbursed on account of the campaign, and if, after discharging all the bills, it be found that a surplus of 20 million *yen* remains, then Washington would be bound in honour to restore the sum. Neither would the discovery of a surplus be any reproach to the accuracy of the United States' financiers, for in making up such an account each claimant is bound to leave a margin for contingencies which can not possibly be fully estimated at the moment of formulating the claim. But if the restoration is to bear the interpretation of a reflection on the justice of the measures taken by the Powers in the matter of the Boxers, we can not think that Washington is well advised. That was assuredly the world's rendering of America's repayment in the case of the Shimonoseki Indemnity. The advocates of repayment made no secret whatever about the grounds of their propaganda, and it will not be denied that they had a good cause to champion. But can the Boxer outrages be included in the same category? And would it be a politic act or an act calculated to inure to the common benefit of the nations, that the United States Government should now sever itself from the association of Powers which, in 1900, stood up for the principle that no movement for the forcible expulsion of foreigners from Chinese territory will be tolerated by the Occident? It appears to us that such deliberate secession by America from the ranks of her sometime comrades would be little short of calamitous, and it further appears to us that whatever be the true motive of Washington's act, the Chinese will construe it as a belated confession of American error in 1900. It is an emotional kind of policy, unless it be purely arithmetical, and the emotions scarcely find a safe place in international relations.

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ASSISTANT SECRETARY.
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To Interior for Commr of Education
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To Interior
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No. 180.

December 26, 1905.

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OF STATE.

Mr. Rockhill to the Secretary of State.

FOR RELS. 1905.

Subject:

Educational Reform in China. Enclosing a report of the Chinese Secretary of the Legation on the history and progress of modern education in China.

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No. 170.
RJ.

AMERICAN LEGATION,
PEKING, CHINA.

December 26, 1905.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

FOR RELS. 1905.

S i r :

In further reference to the matter of educational reform in China, to which I have referred in my despatches numbered 42 of August 1st, 85 of September 4th, and 97 of September 19th, and which is now the leading topic of interest among Chinese, I have the honor to enclose herewith a report prepared at my request by Mr. Williams, Chinese Secretary of this Legation, on this interesting subject. Mr. Williams herein sketches the history of the present movement for modern education, and then indicates the plan which has been adopted by the Chinese Government, and what has been done to carry it out. Mr. Williams' remarks concerning the future role of the Christian mission schools are also of great interest. I propose to address you shortly on the subject of the desire of the American mission schools in China to secure recognition from the Chinese Government for graduates of their colleges and universities. Mr. Williams' remarks will make this question the more easily understood.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:

Mr. Williams to Mr. Rockhill, December 22, 1905.

Enclosure No. 1 in Despatch No. 180.
Mr. Williams to Mr. Rockhill.

AMERICAN LEGATION,
PEKING, CHINA.

December 22d.1905.

Hon.W.W.Rockhill,

American Minister,

Peking, China.

Sir:- I have the honor to submit the following report upon recent educational reforms in China.

By Article II of the final protocol of 1901 it was provided that all official examinations should be suspended for a period of five years in those cities where foreigners had been massacred or subjected to cruel treatment during the "Boxer" uprising of 1900.

In accordance with this provision an Imperial Edict was issued on August 19th. 1901, suspending for five years all civil and military examinations in 46 cities, black-listed by the representatives of the foreign powers.

This action opened the way for the favorable consideration by the Chinese Government of a much needed reform of the whole educational system of the empire.

Previous to the "Boxer" trouble the Imperial Government had taken only an indirect interest in the education of Chinese youth. It contented itself with maintaining a system of examinations by which the brightest students were drafted into the civil service. This system, which apparently had its origin in the twelfth century B.C. was gradually developed through the long course of its history into an institution which was the pride of the empire and the hope of its students, since by it the highest offices in the state and their rich emoluments be-

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came the prizes of scholarship. The method was not bad, provided the examination had had any bearing whatever upon the duties to be performed in the civil service. But, as the candidates were tested in their ability to expound the sacred books of China, and to write beautiful odes and brilliant essays, proficiency in these matters became the one aim of master and pupil alike, and was esteemed of more importance than any practical acquaintance with affairs or any knowledge of the science of government. Such a system was more apt to secure pedantry than statesmanship. But, if the examination had been of a more practical character, the studies of the candidates would of necessity have been of a more useful kind also. Attempts were made indeed at various times to introduce into the examinations questions of present day interest, but the attempts were local and spasmodic and, being contrary to established custom in a land where precedent has all the force of law , the students rebelled, and the examiners yielded to pressure.

The advent of the foreigner, however, has gradually wrought a great change. Missionaries established schools wherever they went. This is particularly true of the American missionaries. Girls and boys, chiefly of the middle and lower classes, were taught to read and write their own language, and were given a knowledge of the elements of mathematics, geography, history, and of the natural sciences. In the most important cities academies or colleges were founded, and their brightest students were, many of them , sent abroad to complete their education.

With a few exceptions, however, the mandarins of China looked askance at these educational efforts of the foreigners. They felt sure that there must be some ulterior motive, and believed that the missionary was a political emissary, preparing the way for foreign encroachments. The mission schools have therefore never been regarded with much favor by the official classes, and the graduates from them have found little if any chance

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for official employment except as teachers, interpreters or clerks, and until within three or four years scarcely one of them has ever secured any post of importance.

But foreign commerce steadily expanded; political relations became of increasing importance, and these changing conditions produced a constantly growing demand for a knowledge of foreign languages, of western industrial methods, international law and an acquaintance with the history and the sciences, whose comprehension is necessary to an understanding of western civilization. Mission schools therefore grew in numbers and importance from year to year, and the more enlightened officials , recognizing that "time makes ancient good uncouth," saw that China must change , and that without the learning which the West could give her, she could not even maintain her prestige in Asia, much less hold her own among the great nations of the world. Several Viceroys established colleges for the teaching of modern sciences. But these colleges had no relation to each other; there was no uniformity in the courses of study pursued; there were no elementary schools to prepare students for admission to them; and, inasmuch as the old system of examinations still supplied the only entrance to an official career, the new schools seemed to lead no-whither, and students were induced to attend chiefly by the payment of a monthly stipend. This attempt to establish a school system from the top was much like the Chinese method of building a house, the roof being put on before the walls are built up, except that the roof has the support of pillars resting on stone bases, while the school system was suspended in mid-air. The students therefore who really desired an education to fit them for a commercial career still continued, as a rule, to attend the mission schools. The military and naval schools established by various Viceroys were also independent one of another; the methods of drill were unlike; the equipment different; the words of command in various languages, and the incipient armies and navies which

which began to be organized were formed upon different models. Nevertheless these government schools served the purpose of diminishing to some extent the prejudice which still existed in the minds of most officials, and of increasing the number of those who recognized that there was valuable knowledge to be gained outside the Chinese classics. The war with Japan served to demonstrate still more conclusively that Chinese institutions were hopelessly antiquated, wholly unsuited to modern conditions. The young Emperor and His advisers, resolved on reform, planned a complete school system for the whole empire. But with the rashness of inexperience they antagonized the strongest elements of the nation. High officials who had given their lives to the service of the State were relegated to private life, and the religious sensibilities of the people were shocked by the wholesale confiscation of temples for educational purposes. The coup d'état followed which sent the Emperor's advisers to the execution ground or forced them to fly into exile. A strong re-action set in. There were many occurrences to justify antipathy to the foreigner, and all things foreign began to be taboo. The "Boxer uprising was but an expression of this feeling. It failed of its purpose, but the attempt made shook the ~~social and political structure~~ State to its foundations, and the walls of conservatism fell with a crash. Since that time there has been an unwavering determination on the part of the Government to modernize all its institutions. The plans adopted may not be the best in every instance, but the purpose is there, and the result, as there is every reason to believe, can not but be gratifying in the highest degree to all friends of China.

Immediately after the signature of the Final Protocol in September 1901, the Government took steps to establish a general system of public schools on modern lines. On January 13th. 1904 the Chancellor of the Imperial University, Chang Po-hsi, and the Viceroy of the Hu-kuang Provinces, Chang Chih-tung, after many months of independent investigation and subsequent col-

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laboration, submitted to the Throne a complete and detailed plan for a national system of public schools, beginning with the kindergarten and crowned by the Imperial University. These Regulations were published in eight volumes, and were based upon those of Japan, which in their turn were derived from the United States. The Regulations were approved by Their Imperial Majesties, and local authorities were directed to carry them into operation. At the same time a special commission on Educational Reforms was appointed, the principal members being the two Chancellors of the Imperial University, Chang Po-hsi (Chinese) and Jungch'ing (Mongol). The provincial authorities throughout the empire took up the difficult task, but found themselves hampered from the start, first, by their own ignorance of the modern curriculum, secondly, by the lack of properly qualified teachers and superintendents, and, thirdly, by the want of suitable text-books. The teachers needed are being secured in part from the students in the mission schools, in part by the employment of a very few Europeans and Americans, but in much larger measure by appointment of numerous Japanese instructors. But the preparation of native teachers is being hastened by the sending of large numbers of students abroad for education. This movement began in earnest as soon as educational reform was determined upon, and has been greatly accelerated in the past two or three years. These students are nearly all supported either by the Imperial Government or the various provincial authorities, and most of them have been sent to Japan. Those sent to Europe and America number at most but a few hundreds, but those in Japan are to be counted by the thousand. The influence of Japan therefore in the new schools is predominant. And this seems wise, for Japan is near at hand, and her educational system is abreast of the times. Her schools are easily accessible, and her teachers can be brought to China at small expense and engaged at much smaller salaries than Europeans or Americans. Even more important

ant however is the spiritual kinship of the two nations. The Japanese understand the Chinese . They have but recently passed through the great change to which China is now being subjected. They can study the situation from the Chinese point of view. Their own social, political, and religious institutions are similar to those of China. They can therefore enter into close sympathy with the Chinese, wear Chinese dress, live upon Chinese food, dwell in Chinese houses, adapt themselves easily and heartily to the Chinese environment, and avoid giving offence to Chinese prejudices. Their thorough understanding of the old and the new will enable them to graft the modern system upon the root-stock of the ancient without destroying the latter. The transformation will thus be natural and the continuity with the past preserved. All that is of value in the ancient institutions of China will be conserved, though they will be modified to meet the requirements of modern conditions.

The text-books needed are being supplied in part by translations or original works prepared by missionaries or by the various ~~provincial~~ bureaus of translation which have been maintained by several of the provincial governments for some years past. These books are to be subjected to revision, however, and new works are being prepared under government supervision.

A recent memorial submitted to the Throne by Yin Ming-shou, a member of the Hanlin Academy, complains that the results of the past four years' work are very small, but, when all the difficulties are taken into consideration, the measure of success must be regarded as quite satisfactory. The new school system has now been inaugurated in every province of China proper, and bids fair to make rapid development in the near future.

So long, however, as the old system of examinations was retained, as it was, throughout the greater part of the empire, and this door of hope to official preferment was kept open, a large number of the students adhered to the old course of study and it became necessary therefore in the interest of the new

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system to definitely abolish the old order. This was done on Sept. 1, 1905, by an Imperial Edict, a copy of which was sent* at the time, I believe, to the Department. This measure had an excellent effect, as is shown already by the memorials which are pouring in from all parts of the empire, suggesting measures for raising school funds, methods of employing the disappointed graduates of the old school, who are too advanced in years to take up with the new order of things, and recommending improvements in the new system in order to meet difficulties that have arisen. It is shown too in the rapidly increasing number of schools that are being established and in the enthusiasm with which the people are making contributions of money to assist the government in its plans. The Peking Gazette makes frequent mention of such voluntary offerings, some individuals giving as much as Tls.10,000 each, and the gentry in other neighborhoods combining to establish and support the additional schools needed. The experience of the past four years has shown the necessity for a better organization, and a number of memorials upon this subject have recently been submitted, which ,while they differ in the details of the plans proposed, all agree in recommending a national Board of Education to rank with the other departments of the Imperial Government. The most important of these memorials was that of Pao-hsi, a Manchu of the Imperial Clan, and Superintendent of Education for the Province of Shansi. He proposed the establishment of a national Board of Education, modelled on that of Japan, and, inasmuch as the Provincial Chancellors under the old system and the Imperial Examiners were under the jurisdiction of the Board of Rites, which was in reality a department of public worship and education, he proposed that the Board of Rites be entirely abolished and its duties in relation to public worship and Court ceremonial be left to the Court of Sacrificial Worship and the Court of State Ceremonial. He also proposed that the Hanlin Academy and the Imperial Academy of Learning be incorporated with the new Board of

*=Encl. No. 2 in Desp. No. 85, Sept. 4, '05.

of Education. Prince Ch'ing, on behalf of the Commission on Administrative Reforms, reported favorably upon the recommendation that a Board of Education be established, and favored also the proposal to incorporate with it the Imperial Academy of Learning, which action will give the new Board handsome quarters adjoining the Confucian Temple. The Prince was not in favor, however, of abolishing the Board of Rites nor of making the Hanlin Academy an appendage of the new Board, though he advised that some changes be made in the character of that institution ~~that~~ which will make its members more useful. In accordance with the recommendations of Prince Ch'ing, an Imperial Edict appeared on Dec.6th. 1905, establishing the new Board of Education. I inclose a translation of the same. (Inclosure, No.1.) Jungch'ing, who has been made President of the Board is one of the Chancellors of the Imperial University, and has until recently been also one of the Presidents of the Board of Revenue, He is also a Grand Councillor, and a member of the Commission on Administrative Reform. He is a Mongol, a comparatively young man of progressive ideas, and has risen very rapidly within the past three years from comparative obscurity.

Other recommendations of these recent memorials are that education be made compulsory, and that parents be fined for not sending their children to school, and that the funds heretofore used in conducting the triennial examinations, amounting to from Tls.20,000 to Tls.50,000 from each province every three years be employed in aid of the new system, one half to be spent by the province concerned and the other half by the Board. These recommendations are referred to the new Board for consideration.

The School Regulations, as now in force, provide that children between the ages of 3 and 7 years of age shall be sent to the kindergarten. At 7 years of age they must be sent to the second grade primary , where a five years course is taken, and thence to the first grade primary for a four years course. The hsien (county) authorities are required to provide these primary schools.

schools. Every hsien city, and every department city, as well as every market town, and every village of one hundred families is expected to maintain from one to three second grade primary schools, and the cities and towns mentioned at least one first grade primary. Where the villages are poor or children few, the authorities are authorized to combine two or three villages in the support of one second grade primary, but not more than four hundred families are allowed to one school. It is recognized that this will not supply school accommodation for all the children, and the authorities are urged to persuade the people to supplement the government schools by others of their own establishment. The course of study in the primary grades comprises ethics, reading and explaining the Chinese classics, Chinese composition, arithmetic, history, geography, elementary science, and physical drill. Drawing is also taken in the first grade.

From the first grade primary the pupils are advanced to the intermediate grade, where a five years' course is to be taken. Each prefecture is required to provide at least one intermediate school. The course embraces a further study of Chinese, foreign languages (Japanese, English, German, French, and Russian), mathematics, geography, history, and the natural sciences, and ethics, drawing, and physical drill, with courses in law and political economy, when possible to establish the same. The intermediate grade is not free, but the tuition fee is low. Pupils are told that they are not being prepared especially for the civil service but for the ordinary avocations of life, and at the close of the intermediate course may, if they chose, enter one of the special industrial or professional schools.

From the intermediate grade students pass to the provincial academy, usually styled a college. Here a three years course is taken on the completion of which admission may be had to the Imperial University at Peking. The university course is divided into two sections, the lower covering a college course of three or four years, according to the course chosen, and the upper a real university course of five years.

The university embraces eight schools or departments; the classical,

(E.T.W. to W.W.R.)

classical, law, literary, medical, science, agriculture, engineering, and commercial. Students pay for tuition, but free scholarships may be won by competition.

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In addition to the regular course as outlined above there are shorter courses provided for those unable to attend the university.

(1) For children already over 12 years of age who can not attend the primary schools there are established industrial schools, where trades are taught.

(2) For boys who have taken the second grade primary course and do not want to go farther, there is provided a primary school of agriculture to prepare the peasant's sons to perform the work of the farm more intelligently.

(3) Pupils who have completed the primary courses may enter special schools of agriculture, engineering, or commerce, and thus prepare themselves for farming, engineering, or mercantile life.

(4) Pupils may, if they choose, pass from the intermediate schools to special schools of agriculture, engineering or commerce, of a higher grade than those mentioned in (3).

(5) Every hsien (county) or department city is expected to maintain a second grade teachers' school, and every provincial capital a first grade teachers' school. These are to assist in equipping the new schools with the needed teachers.

(6)Special schools of Foreign Languages to prepare men for translators and interpreters in the diplomatic and consular services, and for use in the government translation bureaus. The course is five years in length.

(7) A special course of three years for those who have alread won their doctor's degree at the recent examinations under the old system. This will serve to bring them more or less into line with the new order of things.

(8) Special schools of Law and Political Science will be maintained

tained in all the provinces for the especial benefit of those expectant officials, who have already been placed on the civil list under the old examination system, but have not yet been appointed to office. There has for centuries past been a provincial college at each provincial capital for the preparation of young candidates for the duties of official life, but the colleges have really existed only in name; no course of study is provided, and no instructors have been employed. The buildings and grounds are generally very attractive, but are chiefly used as club houses for the mandarins and gentry.

In response to a memorial of Wu T'ing-fang last May, it was decided to require all expectants to take a course of one and a half years in Law and Political Science and to pass a satisfactory examination in the same before being assigned to duty. Instruction is to be given in lectures by graduates of foreign schools, who will be selected and assigned to this duty upon their return to China.

In this connection it is interesting to note that the Viceroy of this province, Yüan Shih-k'ai, has issued an order to the effect that all expectants of this province must spend at least three months in Japan before they can receive a definite appointment to office.

(9) Other special schools established in the provinces are those of Veterinary Surgery, Police Training Schools, and the Industrial Schools connected with the new Work Houses which are called for by the recent reform of the Penal Code. It is hoped that by giving the prisoners respectable trades the poverty of the lower classes will be reduced and thus one great incentive to crime removed.

It will be seen therefore that the system, theoretically, covers the whole field, but it must of necessity be many years before some of the provinces can approach to any realization of this ideal. It is impossible to obtain any statistics upon the

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(Page 2 to Page 3)

subject, for the Chinese have not yet learned the value of statistics, but a brief statement of what has been done in part in this province will enable one to understand in some measure the present condition of affairs.

The Viceroy at Tientsin has been very active in the matter and has been very fortunate in securing the services of a trained educator for provincial superintendent. This is Dr.C.D.Tenney, an American who has been in the service of the Chinese Government for many years, chiefly in the capacity of President of the Tientsin University. Under the direction of Dr.Tenney, the Viceroy has already established more than 3,000 schools of various grades in this province of Chihli. These are exclusive of the schools established in the Peking Prefecture. In the old provincial capital, Pao-ting Fu there are over 2,300 students in the various high schools and academies established there. Pupils in the primary schools are not counted, nor those in the Police Training School.Among the special schools included are those of Law, Veterinary Surgery, and Agriculture.

In the city of Peking there have been established by the local authorities, independently of the Viceroy, over forty schools of all grades, primary, intermediate, academies, and the university(which was established before the "Boxer" folly, but re-organized two years ago) together with special schools of Law, Foreign Languages, Police Training, and a Military School for the Sons of Nobles.

Probably no other province is abreast of Chihli in education, but very much has been done also in the Viceroyalty of Chang Chih-tung (Hupeh and Hunan), in the province of Kiangsu, and in Kuangtung. With regard to the second mentioned there are over 40 government schools in operation in the city of Nanking and large numbers also in Shanghai, Soochow, and other cities of the province.

Shantung has at least 100 of the new schools already established, of which 20 are in the provincial capital, Chi-nan Fu.

As stated above, all the provinces of China proper have done something, but it has been very difficult for those far inland

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to secure qualified teachers. I note however that even in far-away Yünnan, it is reported by the Viceroy that a Teachers' Training School has been established at the provincial capital and two Japanese professors secured for it, who also teach the Japanese language.

Owing to this lack of teachers and the fact that few students are prepared to enter the academies or the university, classes in the courses outlined for the provincial academies and the university are for the present suspended, and the instructors are employed in teaching those branches required in the intermediate and the teachers training schools.

In regard to the instruction given there are two or three points worthy of special notice. No foreign instructor is allowed to teach his own religious views. This is eminently proper in view of the fact that the schools are supported by a Government which maintains its own religious establishment. All instruction is to be given in the mandarin dialect, a most commendable regulation which in a generation, if carried out will do much toward removing one of the principal obstacles to national solidarity. In all the coast provinces from Shanghai to the Tonkin border nearly every little district (county) has its own dialect, and these differ so much one from another that natives of the same province can not communicate with each other unless they can do so in writing. Although the curriculum provides for instruction in ethics in all the schools, the regulations call attention to the inadequacy of such instruction(so the Ministers of Education think) as given in foreign schools. This remark refers to the science of ethics as taught by the Japanese. The authors of the Regulations do not believe that ethics can be taught so as to influence conduct unless based upon the sacred scriptures of China. The last point to which I would call attention is that military drill is required in all the schools, and a uniform is to be adopted for all students. The Chinese civilian has in past centuries been taught to despise the

the soldier and the art of war, but the civilized nations of the West have taught him that China will be respected only as she may be able to protect her interests by force of arms, and efforts are now being made to cultivate a martial spirit. There have been military and naval schools for some years in three or four provinces, but it is now proposed to establish in each province two grades of military and two of naval schools, and in Peking an Imperial Military College and an Imperial Naval College, students for which will be supplied from the provincial schools just named. This plan is in abeyance for the present, and to supply the military instruction needed, all students will be required to drill, and on reaching the Provincial Academy, will have instruction in Military Regulations, Military History, and in Military Tactics, while those who enter the Department of Law in the University will have special courses in Military Government.

The discipline of the students is theoretically at least very strict. Among other prohibitions they are forbidden to smoke opium, and they are not allowed to interfere in any way in matters that concern the Government. The latter has not been enforced so far as the recent boycott of American goods is concerned, and there is reason to fear that the former will not be observed.

One matter of great importance under consideration at present is that of providing the necessary funds for the support of the schools. The Regulations require the hsien (county) authorities to provide the primary schools, and it is suggested that in most places there are common funds belonging to the people which with the consent of their elders might be devoted to the support of these schools. Such funds are those for village free schools of the old type, for village theatricals, sports, and the support of certain benevolent institutions. It is further suggested that certain temples and club houses may be used for school buildings. With respect to the temples, many of them

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are endowed with lands which furnish revenues for the support of the monks and the maintenance of the sacrifices. One of the reform Edicts of 1898 provided for the confiscation of certain classes of such temples for the support of the schools, and this created great disaffection. On the approval of the present regulations steps were taken in some of the provinces, particularly in Fukien and Kuangtung to compel the monks to surrender their property. To avoid doing so a number who had an inkling of what was coming disposed of their property to Japanese Buddhist monks, who could not be compelled to yield to the demands of the officials. This led to an Imperial Edict forbidding the local authorities to coerce the monks. The mischief had already been done, however, in some places; and a recent traveller in Kuangtung and Kuanghsi ascribes the feeling of hostility toward foreigners in those provinces in part to this measure, since the people look upon the new education as foreign in its origin, and forced upon China by foreign powers.

For the support of the intermediate schools and academies it is more difficult to find funds. I have already noticed the suggestion that the funds for the old examination system be devoted in part to this purpose. Another plan is that adopted by the Vice roy of this province. He has already secured the sanction of the Throne to the levying of a special tax upon deeds for the transfer of real estate. This amounts to 4.9% of the purchase price, of which 3.3% shall be devoted to primary education, and 1.6% to the intermediate schools. Two days ago it was decided that henceforth, for three years, no vacancies in the 24 Banner Corps shall be supplied, and the funds thus saved shall be devoted, one half to the support of the regular school system, and one-half to the support of the proposed military and naval schools. It was also decided to gradually abolish the eight divisions of Palace Guards, an obsolete organization, no longer of use, the funds thus saved to be also applied to educational purposes. The old examination hall in Peking is to be occupied by the Military College.

(E.T.W. to W.W.R.)

One serious defect in the system remains to be pointed out; No provision is made for the education of girls, except in the kindergarten.

The Regulations say that there are many difficulties in the way of the establishment of girls schools in China, and that very little can be done for them at present.

There are many high officials who do not agree with this statement of the authors of the Regulations. One such high official is Tuan-fang, the Governor of Hunan, now on his way to the United States to study our institutions. During his recent visit to Peking, he had audience of H.I.M. the Empress Dowager and laid before her the importance of establishing girls schools.

Her Majesty was much impressed and at once issued an Edict, directing that a large abandoned lamasery in Peking should be converted into a girls college. This has not been done as yet, but several of the princesses, encouraged by this action of the Dowager Empress, have undertaken without any aid from the State to establish a number of girls schools in Peking. At least one of these is absolutely free, and is conducted in the residence of Tuan-fang, which is given for a merely nominal rent for this purpose. Others charge a small tuition and are attended by girls from noble families. Some of the princesses have opened schools in their own palaces for their daughters and their relatives. A few Chinese women teachers have been secured, some of them former students in the mission schools. But the new branches, such as arithmetic, geography, foreign history and the Japanese langugge are taught by Japanese ladies who are giving their services without charge. Besides the branches mentioned , the curriculum embraces music, drawing, dancing, calisthenics, needle-work, Chinese reading and writing, physiology, hygiene, physics, natural history, and nursing.

All pupils are required to unbind their feet, and are not allowed to paint, powder, wear jewelry, or expensive gowns. They must wear their hair in a braid or plain coil, and must dress in

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a plain blue gown, the only ornament being the rosette which indicates the school to which the pupil belongs. Similar schools have been opened in Tientsin, Chi-nan Fu, Shanghai, Chinkiang, Nanking, Soochow, Hangchow and Hankow. I have seen no reports from other places, but the movement appears to be very general and is the most interesting feature in the present situation, though wholly independent of the government. In all these schools Japanese women appear to be the main reliance so far as teaching is concerned.

The missionaries with whom I have discussed the matter seem for the most part to fully appreciate the significance of the educational reforms, and rejoice in the prospect of a better condition of society in China. Some, however, look askance at the new school system, and seem to think that it will mean a great loss of influence for the missionary, whose pupils will probably desert him for the government school. I am glad to say that this feeling appears to be shared by very few. The missionaries have every reason to be proud of their past record as educators in China, for, although their influence has been indirect, the present movement owes very much more to them than appears upon the surface. It is quite true that the importance of their schools will probably lessen with the passing years, unless arrangements can be made to admit their graduates to the examinations for official posts, but these schools will always have their special work in preparing men and women for the service of the Church, and for many years to come they must probbly be depended upon very largely for the needed supply of Chinese instructors in modern branches of learning.

In this connection it may be of interest to furnish some statistics which will show in a measure the nature of their work. The latest general report of all Protestant missions in China is dated 1896, and at that date these missions supported for males 747 primary schools with 11,817 pupils, 45 secondary schools with 1539 pupils, and 32 colleges with 1224 students;

and

and for females, 225 primary schools with 4,262 pupils, 69 secondary schools with 2,096 pupils, and 14 colleges with 416 students, or a total of 972 primary & 114 secondary, schools and 46 colleges with a grand total of 21,354 pupils and students. By a comparison of recent reports of certain missions with those of a few years ago one must conclude that to allow for an increase of 50% in the number of pupils during the past ten years is a very modest estimate, for a great impulse has been given to educational work since 1900, so that we are safe in reckoning an enrollment of some 30,000 students in connection with Protestant mission schools at present.

I have not been able, as yet, to obtain any general statistics of Roman Catholic work in China, but the report of the North Chihli Mission of the Lazarists for June 30, last, gives the total number of schools in this diocese as 1474 with a total enrollment of 27,054, about equal to the whole Protestant work in China. Catholics have of course been at work for five hundred years, Protestants just one hundred. If we estimate the total number of pupils in Catholic schools in China at about 500,000 we shall probably be not far from the actual number.

Catholic schools for the most part appear to give an elementary education, supplemented for the ordinary pupil by an industrial course, and for the native priest by a course in theology. Protestants appear to give more attention to the higher education.

I have the honor to be

Sir,

Your obedient servant,

E. T. Williams

Chinese Secretary.

Supplementary

Supplementary

Since writing the above I have received a very interesting letter from Dr.C.D.Tenney, President of the Tientsin University, and Provincial Superintendent of Education for Chihli. I append his statistics for this province, calling attention to the fact that the schools, which I have called "kindergartens" are classed by him as "primary", and thosewhich I have called "first" and "second grade primaries", are listed as "higher" and "lower grade elementary" schools.

Educational Statistics for the Province of Chihli

Primary Schools already established,	2,480	
Number of pupils in the same -------		72,120
Lower Elementary Schools ----------	124	
Number of pupils ----------		6,200
Higher Elementary ----------	124	
Number of pupils ----------		6,200
Middle (Intermediate) Schools------	16	
Number of pupils ----------		960
High School (Academy) ----------	1	
Number of pupils ----------		320
Provincial University (Tientsin)	1	
Number of students ----------		200
Totals, No.of schools,	2,746 &	86,000 pupils.

It is to be noted that the Tientsin University existed before the new system was inaugurated, and that several such colleges have been established in various parts of China, which are no doubt to be affiliated with the new system. The above figures do not include schools in the Prefecture of Peking, which are under the Metropolitan and not the Provincial Administration.

E.T.W.

Sub-inclosure, No.1 in No. 180.

W.

Imperial Edict of December 6th.1905,
Organizing the Board of Education.
Translated from the Peking Gazette.

WE have to-day received a joint memorial from the Council of State (or Bureau of National Administration) and the Minister of Education, reporting upon the suggestions of Pao-hsi and others. Some time ago WE issued an Edict abolishing the system of examinations., and it is most urgently necessary that something be done to encourage education so as to develop the talents of men. At present the various provinces are gradually establishing the new schools, and there must be an office that shall have general control of the system and be responsible for the standard set and the direction of the course of study. Therefore WE establish the Board of Education, and Jungch'ing is hereby transferred to be the President of the same. The First Vice President shall be Hsi-ying, and the Second Class Hanlin Compiler, Yen-hsiu, is appointed Acting Second Vice President of the Board of Education with the rank of an Expectant Metropolitan Official of the Third Grade. The Imperial Academy of Learning, known in ancient times as the "Ch'eng Chün" (i.e.a place where learning is completed) was originally the highest institution of learning. Let all matters pertaining to said institution henceforth be under the control of the Board of Education. As to matters not yet settled, let the aforesaid President and Vice Presidents consult together and devise satisfactory arrangements and report to US. As the said Board has but just been established, the commencement of such a work as the encouragement of education and the cultivation of talent is a most important one and the greatest care must be exercised in investigating ~~[illegible]~~ the subject and extra attention given to strengthening the system of education in the hope that encouragement

agement of genuine learning and the cultivation of useful talents may fulfill the purpose of the Court to establish schools for the improvement of social conditions, the civilization of the people and the perfection of their customs.

As for other suggestions made, let them be carried out as proposed.

"Respect This."

INDEX BUREAU REC'D FEB 1906 DEPT. OF STATE

ASSISTANT SECRETARY, FEB 6 1906

DIPLOMATIC BUR. DEPT. OF STATE FEB 7 1906

To Treasury Feb. 10

To Treasury Feb. 10

Acted penally Feb. 14

No. 181

No. 181.

December 27, 1905.

CHIEF CLERK FEB 7 1906 DEPARTMENT OF STATE.

Mr. Rockhill to the Secretary of State.

FOR RELS. 1905.

Subject:

The Indemnity Payments.

Acceptance of proposal of the Chinese Government for the settlement of the question of the conversion into gold of amounts paid in silver during first half of 1905 and for an adjustment of rates of exchange.

INDEX BUREAU FEB 20 1906 FILED

No. 181.
RJ.

AMERICAN LEGATION,
PEKING, CHINA.

December 27, 1905.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

FOR RELS. 1905.

CHIEF CLERK
FEB
6
1906
DEPARTMENT
OF STATE.

S i r :

In further reference to the proposal made by the Wai-wu Pu for the settlement of the question of the conversion into gold at the rate of exchange of June 30th, 1905, of the amounts paid in silver during the first six months of the current year by the Chinese Government on account of the indemnity, and of an adjustment of the rates of exchange fixed by the Bankers Commission at Shanghai and the Taot'ai who makes the payments on account of the indemnity, (See my No. 134 of October 27, 1905), I have now the honor to enclose copy of an identic note handed me and to the other Diplomatic Representatives of the Powers which signed the Final Protocol of September 7, 1901, by the Prince of Ch'ing on the 23rd instant, together with copy of the collective note we handed him accepting the proposals made by his Board.

With this matter disposed of the negotiations concerning the mode of payment of the indemnity of 1900 are now, it would seem, terminated, and China has fairly successfully defended her interests.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1. Prince Ch'ing to Baron von Mumm, December 23, 1905.
2. Baron von Mumm et al to Prince Ch'ing, Dec. 23, '05.

Enclosure No. 1 in Despatch No. 181.

Prince of Ch'ing to Baron von Mumm.
(Translation)

Peking, December 23rd, 1905.

As to the matter of the payment of the indemnity notes were exchanged between the various Ministers in Peking representative of the Powers and the Chinese Government on the 30th of the Fifth Moon of the present year (July 2 1905) by which a satisfactory arrangement was agreed to, as the records will show. But the matter of the amounts of the payments made during the first half of the present year as reduced to gold at the rate of June 30, 1905, and that of the non-agreement of the rate of exchange into gold, used by the Bankers' Commission, and the rate of the Hongkong and Shanghai Banking Corporation, it was by general agreement decided to leave for settlement later. That is to say, according to the rate of exchange into gold for the 30th of June, 1905, as fixed by the Bankers' Commission One Tael Shanghai Sycee was equal to Two Shillings Seven Pence and One Hundred and Twenty-five thousandths (Taels 1 = 2/7.125) but according to the rate of the Hongkong and Shanghai Banking Corporation one Tael was equal to Two Shillings Seven Pence and Seventy-five hundredths (Taels 1 = 2/7.75). According to the difference between these two rates the error in reckoning the total amount paid the Powers is equal to Protocol Hai-kuan Taels 186,792.95. As the Chinese Government desires to settle the matter justly if the Powers concerned will agree to forego one-half of this sum, China on her part will agree to bear the loss of the other half.

According to the arrangement entered into on the 2nd of July this year, China is required to divide into twelve parts the total amount due each year for amortization and interest

Enclosure No. 1 in Despatch No. [illegible]

Prince of Ch'un to Yuan Shih-k'ai.
(Translation)

Peking, December 23rd, 1909.

As to the matter of [illegible] agreement of the indemnity notes were exchanged between the various Ministers in Peking representatives of the Powers and the Chinese Government on the 20th of the 11th Moon of the present year (July 2 1909) by which a satisfactory arrangement was arrived at, as the records will show. But the matter of the amounts of the payments made during the first half of the present year as reduced to gold at the rate of Taels 84, 1909, and that of the non-acceptance of the rate of exchange into gold, used by the Banking Corporation, and the rate of the Government Banking Corporation, it was by general agreement decided to leave for the Tangpu later. Time is to say, according to the rate of exchange into gold for the year 1910, as fixed by the Bankers' Commission on the 1st Moon 31 Taels was equal to Two Shillings Seven Pence and One Hundred and Twenty-five Centandths (Taels 1 = 2/7.125) Interdepartmental [illegible] the Customs and Shanghai Taels Corporation one Tael to Two Shillings Seven Pence and Seven-Five Hundredths (Taels 1 = 2/7.75). According to the arrangements between these two Powers in regard to Provincial Borrowing the Powers is equal to Eight-Mien Taels 100.vb. As the Chinese Government applies to the matter fully the Powers concerned will agree to forego one-half of this sum, Taels on her part will as to Chinese Taels of the other half.

According to the arrangements entered into on the end of July this year, China is required to divide into twelve parts a total amount each year for amortisation and interest

and pay one part each month, but this arrangement will go into effect only at the beginning of next year. For the present year, according to Article VI of the Protocol of 1901, China has to pay interest only in the first half of the year, and the payments on the principal due for the year have to be paid only in the latter half of the year. Therefore, if on reckoning the amounts paid during the first half of the year, it appears that China has paid in excess of the amount due, according to the new arrangement with regard to payments made in advance, she should be allowed a discount equal to interest at 4% on such excess for the six months from June 30th to December 31st, and I have to request each of the Ministers residing in Peking representative of the Powers concerned, to inform me of the amount in the gold currency of his own country received on June 30th by his country in excess of the amount due it, so that I may notify the Shanghai Taot'ai to take action accordingly. This is the proposition of my Board, and, as in duty bound, I send this despatch to request the various Ministers concerned to give it their consideration, and I beg that they will inform me at an early date of the willingness or otherwise of their Governments to accept this proposition.

A Necessary Despatch.

Kuanghsu XXXI Year, Eleventh Moon, 27th Day.

To the Ministers representing Germany, Austria, Belgium, Spain, the United States, France, Great Britain, Italy, Japan, The Netherlands, and Russia.

and pay one part each month, but this arrangement will go into effect only at the beginning of next year. For the present year, according to Article VI of the Protocol of 1901, China has to pay interest only in the first half of the year, and the payments on the principal due for the year have to be paid only in the latter half of the year. Therefore, if on reckoning the amounts paid during the first half of the year, it appears that China has paid in excess of the amount due, according to the new arrangement with regard to payments made in advance, she should be allowed a discount equal to interest at 4% on such excess for the six months from June 30th to December 31st, and I have to request each of the Ministers residing in Peking representative of the Powers concerned, to inform me of the amount in the gold currency of his own country received on June 30th by his country in excess of the amount due it, so that I may notify the Shanghai Taot'ai to take action accordingly. This is the proposition of my Board, and, as in duty bound, I send this despatch to request the various Ministers concerned to give it their consideration, and I beg that they will inform me at an early date of the willingness or otherwise of their Governments to accept this proposition.

A Necessary Despatch.

Kuangsu XXXI Year, Eleventh Moon, 27th Day.

To the Ministers representing Germany, Austria, Belgium, Spain, the United States, France, Great Britain, Italy, Japan, The Netherlands, and Russia.

Enclosure No. 2 in Despatch No. 181.

Baron von Mumm et al to the Prince of Ch'ing.
(Translation)

Peking, December 23, 1905.

Your Highness:

We have the honor to acknowledge the receipt of the letter which Your Imperial Highness was pleased to send us under date of December 23rd, 1905, and in which it was stated:

"As to the matter of the payment of the indemnity.....
.....to accept this proposition."

(See enclosure No. 1)

We have submitted this proposal to our respective Governments which, having examined it in a conciliatory spirit, have given it their approval.

Consequently we have the honor to inform Your Imperial Highness that we accept the proposal made in your note above cited and we acknowledge a balance due China, at the date of June 30, 1905, of 268,484.86 Protocol Taels, being made up of 175,088.39 Protocol Taels overpaid by China during the first six months of the present year according to calculation made by the Bankers, plus 837.65 Protocol Taels which amount the Chinese Government still owed the United States of America on the 30th of June according to the same calculation, and of one-half of the above mentioned difference, that is to say: 92,558.82 Protocol Taels. To this sum of 268,484.86 Protocol taels should be added interest at the rate of 4% a year from June 30th to December 31st. The total of this balance plus the interest, to wit: 273,854.53 Protocol Taels, may be subtracted by the Taot'ai of Shanghai from the payment of December 31st, and instructions in accordance will be given by me to the Commission of Bankers at Shanghai.

Your Highness will find annexed hereto a list of the balances of the various Powers on the 30th of last June, which

Enclosure No. 2 in Despatch No. 181.

Baron von Mumm et al to the Prince of Ch'ing.
(Translation)

Peking, December 23, 1905.

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Your Highness will find annexed hereto a list of the balances of the various Powers on the 30th of last June, which

have been fixed on the basis of the proposal accepted by our Governments.

(Signed) A. v. Mumm,
A. Rosthorn,
E. de Prelle,
E. de Carcer,
W. W. Rockhill,
M. Dubail,
Ernest Satow,
C. Baroli,
Y. Uchida,
A. J. Citters,
D. Pokotilow.

have been fixed on the basis of the proposal accepted by our Governments.

(Signed) A. v. Mumm,

A. Rostborn,

M. de Prelle,

R. de Carcer,

W. W. Rockhill,

M. Dubail,

Ernest Satow,

C. Barolí,

Y. Uchida,

A. J. Citters,

D. Pokotilow.

Sub-Enclosure to Enclosure No. 2 in Despatch No. 181.

LIST OF BALANCES.

		Balance on June 30 in foreign currencies	Interest	Amount to be credited to China on Dec. 31 in foreign currencies	The same amounts in Protocol Taels.
...rmany	Mks.	152,234.06	3,044.68	155,278.74	50,827.73
...stria-Hungary	Crs.	7,190.90	143.82	7,334.72	2,040.25
...lgium	Frs.	18,270.84	365.41	18,636.25	4,969.66
...ance	Frs.	291.39	5.82	297.21	79.25
...ance	Frs.	152,635.13	3,052.70	155,687.83	41,516.75
...ited States	g.$	3,618.86	72.37	3,691.23	4974.71
...eat Britain	£	3,639 17/-	72 15/11	3712 12/11	24,750.97
...rtugal	£	6 12/6	0/2/8	6/15/2	45.05
...aly	Frs.	57,319.26	1,146.38	58,465.64	15,590.33
...pan	Yen	70,302.15	1,406.04	71,708.19	50,965.31
...therlands	Fls.	908.05	18.16	926.21	515.71
...ternational claims	£	10/15/3	0/4/4	10/19/7	73.19
...ssia	Rbls	107,248.84	2,144.98	109,393.82	77,474.38
...eden and Norway	£	4/10/4	0/1/10	4/12/2	30.72
		Grand total in Protocol Taels			273,854.53

Sub-Enclosure to Enclosure No. 2 in Despatch No. 181.

LIST OF BALANCES.

	Balances in Foreign Currencies	Interest on Balances to 31st Dec. 1915	Converted into Pounds Sterling at Par of Exchange	Pounds Sterling.
Paris.	152,259[60]	3,044[60]	155,303[20]	6,212[15]
Geneva.	7,190[80]	143[60]	7,333[40]	293[10]
Turin.	18,270[80]	365[40]	18,636[20]	745[10]
Turin.	1,901[20]	38[00]	1,939[20]	77[11]
Turin.	152,655[40]	3,053[20]	155,708[60]	6,228[7]
Stelio	3,618[80]	72[40]	3,691[20]	147[13]
Florence	3,659[40]	73[40]	3,732[80]	149[6]
	6,158	61[80]	6,219[80]	248[15]
Turin.	57,319[60]	1,146[40]	58,466[00]	2,338[13]
New	70,502.[20]	1,410[00]	71,912[20]	2,876[10]
Stb.	908[00]	18[20]	926[20]	37[1]
Mutual Savings	10,152[80]	203[40]	10,356[20]	414[5]
Rhb.	101,248[40]	2,024[80]	103,273[20]	4,130[18]
Thomas S	4,116[40]	82[40]	4,198[80]	167[19]
Grand Total in Pounds Sterling			2,173,854[25]	

BUREAU OF APPOINTMENTS
DEC 28 1905
Department of State.

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TELEGRAM RECEIVED IN CIPHER.

Secretary of State.
DEC 28 1905

From Peking

December 28th, 1905.

Rec'd. 2:34 A. M.

CHIEF CLERK
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28
1905
DEPARTMENT
OF STATE.

Secretary of State,

Washington.

December 28-10 A. M. Confidential. The names of 16 localities to be opened in Manchuria will not be made public until the ratification shall be exchanged, lest Russians establish themselves there immediately. Harbin only one mentioned to me, and that confidentially.

ROCKHILL

INDEX BUREAU
JAN 9 1906
FILED

Deciphered by the Chief Clerk's Office,
c/ r/ d/

INDEX BUREAU REC'D. FEB 1906 DEPT. OF STATE.

RECEIVED FEB 9 1906 DIPLOMATIC BUR. DEPT. OF STATE.

Secretary of State. FEB 7 1906

ASSISTANT SECRETARY. FEB 6 1906

Secretary

Take penalty Feb. 17

No. 182.

December 28, 1905.

CHIEF CLERK FEB 8 DEPARTMENT OF STATE.

Confidential.

Mr. Rockhill to the Secretary of State.

Subject:

The agreement by China, as a result of recent negotiations with Japan, to open sixteen localities in Manchuria to international trade and residence.

INDEX BUREAU FEB 19 1906 FILED

No. 182
RJ.

AMERICAN LEGATION,
PEKING, CHINA.

CONFIDENTIAL

December 28, 1905.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to confirm as follows my cablegram of the 22nd instant in reference to the Chino-Japanese negotiations:

"Secstate,
Washington.

Twenty-second December ten A.M. I am informed by Baron Kamura treaty signed today. China consents lease Liao-tung peninsula to the cession of railway as far as Changchun. Also to the building of a railway from Antung to Mukden to be bought back later on by China. By a secret provision China agrees to open sixteen localities in Manchuria among them Harbin to international trade and residence.Period. The otherprovisions are less important.

Rockhill."

This information I got confidentially from Baron Kamura at a dinner he gave to some of my Colleagues and myself the evening before the treaty was signed. He said that the names of the localities to be opened by China in Manchuria to foreign residence and trade would only be made known at a later date for fear the Russians should at once settle in them in such force as to exclude other foreigners from desir-

able sites. He mentioned only Harbin as among the number.

I learn from some of the members of the Japanese Special Mission that satisfaction over the result of the negotiations is not general nor intense. It is the opinion of some that it would have been better to simply have informed China of what Japan required and to have asked its prompt acceptance, not, as has been done, open lengthy negotiations lasting for over a month. In case of refusal the Japanese would have remained in Manchuria exercising the rights acquired by treaty from Russia until China complied with their demands.

I gather that the belief is general that, so far as Manchuria is concerned, the result of the war and of the negotiations with China may result in the indefinite occupation of the northern part of this region by Russia and of the Southern part by Japan, with inevitable clashes and conflicts of interests and policy between these two Powers. The permanent peace of Eastern Asia is considered nowise insured by the war, and the future is looked at by many Japanese with the gravest concern, as the duties imposed upon the country in Korea, Manchuria and China proper for long years to come will tax its resources and its energy to the utmost.

The extreme suspicion of Japanese motives and policy evidenced in the late negotiations by the Chinese was, I learn, very marked, and any show of gratitude for the services rendered to China by Japan in the late war was conspicuously absent. The Chinese plenipotentiaries made claims for the taxes levied in Manchuria by Japan, and for the property destroyed. They discussed for days the subject of the number of railroad guards Japan could maintain along the line ceded her from Chang-chun south. They raised, so I am told, every quibble they could think of to embarass Japan and give satisfaction to the sentiment of exclusion now so strong among the

Chinese. The Japanese on their side were naturally limited in many of their demands by the necessity of only asking for such rights and privileges in southern Manchuria as they would be willing to see granted the Russians in the northern part of that country. The result is the present treaty, of which even its author, Baron Komura, could only say that it was "fairly satisfactory." The ratifications are to be exchanged, I believe, within three months.

Just as I am closing this despatch I receive your cablegram which, with my reply thereto, I confirm as follows:

"Amlegation,

Peking.

Your telegram twenty-second what are the sixteen points in Manchuria opened by the Chinese-Japanese Treaty.

Root."

"Secstate,

Washington.

December twenty-eighth ten A.M. Confidential. The names of sixteen localities to be opened in Manchuria will not be made public until the ratification shall be exchanged lest Russians establish themselves there immediately. Harbin only one mentioned to me and that confidentially.

Rockhill."

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

INDEX BUREAU
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FEB
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ASSISTANT SECRETARY.
FEB 6 1906

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DIPLOMATIC BUR. DEPT. OF STATE

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Feb. 14
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No. 183.

December 28, 1905.

CHIEF CLERK
FEB
6
1906
DEPARTMENT
OF STATE.

Mr. Rockhill to the Secretary of State.

Subject:

The spread of anti-foreign feeling among the Chinese due largely to the agitation of students of western learning. Enclosing clippings from the "North China Daily News" and the "Japan Daily Mail."

INDEX BUREAU
FEB 28 1906
FILED

No. 183.
RJ.

AMERICAN LEGATION,
PEKING, CHINA.

December 28, 1905.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to transmit herewith copy of a most interesting article which appeared in a recent number of the "North China Daily News" of Shanghai. It gives the substance of a letter addressed by the Rev. H.O.T.Burkwell, an American citizen and sub-agent at Canton of the British and Foreign Bible Society, in which he relates a recent journey he had made in the province of Kuangsi which brought him in the vicinity of Lien Chou, in Kuang-tung, the scene of the massacre of American missionaries on October 28th last.

Mr. Burkwell's letter throws much interesting light on the causes of the anti-foreign feeling of the Chinese people at the present time; the dissemination of boycott and anti-American literature and the conversion by the officials of temples into schools of western learning have done much, more than anything else probably, to create a hatred of foreigners and their innovations in the minds of the people.

Another cause of the present spirit of unrest and suspicion which is so manifest everywhere in China at the present day may be traced to the ever-increasing influence of the students of western learning, among whom many are well past the age of youthful folly and who seek to free China from the

thraldom in which she is kept by the world, and who hope, by constant agitation-and occasional rioting, as recently in Shanghai in connection with the Mixed Court fracas, to advance their cause.

As illustrating this spirit of the students in the present movement in China, I enclose an article from a recent number of the "Japan Daily Mail" in reference to the commotion recently caused among the students in Japan by the recently enacted regulations of the Japanese Educational authorities. The manifesto of the Chinese students is particularly interesting.

I have the honorto be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1. Clipping from N-C Daily News of December 8, 1905. "The Situation in Kuangsi."
2. Clipping from The Japan Daily Mail, December 14, '05. "The Chinese Students."

Encl. #1 in Des. #183 Endorsement

LEGATION OF THE UNITED STATES OF AMERICA,
PEKING, CHINA.

The
North-China Daily News.

IMPARTIAL NOT NEUTRAL.

SHANGHAI, 8TH DECEMBER, 1905.

THE SITUATION IN KUANGSI.

A LETTER received by the British and Foreign Bible Society here from its sub-agent at Canton, the Rev. H. O. T. Burkwall, an American citizen, throws a great deal of light on the situation in Kuangsi, and incidentally on the cause of the massacre at Lienchou. It has been courteously placed at our disposal by the agent of the Society here, the Rev. G. H. Bondfield, and the extracts which we are enabled to give, in which Mr. Burkwall gives an account of his recent journey in Kuangsi, will be found of deep interest. Lienchou, it should be mentioned, is actually in Kuangtung, but it is in the north-west of the province, near the Kuangsi border. Mr. Burkwall writes:—

"I left on the 17th of October for Wuchou. By launch we went as far as Konghau, about 100 miles above Wuchou, and from there overland to Liuchoufu, some 450 li or 150 miles distant. The season being that of harvesting, we found some difficulty in securing coolies, and I sent some of my books—seven cases—by launch on direct to Lienchou. This, though the freight was high, was cheaper than coolies hire. Finally, after securing coolies, we were ready to start on what proved to be the hardest and most discouraging journey I have yet taken. I purposely chose the overland route, as my previous experience had led me to expect good sales at places less frequently visited by foreigners.

"But the times and things were undergoing radical changes here in this vicinity, though I little realised these changes would in any way interfere with our work. The first I noticed was at Pingnam, a place just below Konghau, where the officials had prohibited idol processions. Money had been subscribed for the same, and the merchants and elders held meeting after meeting to discuss ways and means, but the magistrate remained firm, and though one man assumed the rôle of one possessing a written order from the spirit world, and suddenly producing a written order from the idols commanding the procession, in this way tried to arouse public feeling against the magistrate, he still refused to permit the procession. Proceeding to Konghau, the first bit of news I heard was, 'A Taoist priest is wearing the cangue.' And for what? For daring at this place to proceed with an idol procession in face of the official prohibition. True, the following morning he was released, but the tenour of the prohibition was made known to the surrounding country places.

"These prohibitive proclamations, taken with the fact that in the prefectural city of that district several of the largest and richest temples had been razed to the ground, the idols destroyed, and the building material put into large schools for Western learning or teaching, had so enraged the populace that they were in arms or preparing to take up arms against any attempt to carry out either the prohibition or the example set by the prefect himself. More than that, the American boycott literature is everywhere in evidence in the anti-foreign feeling manifest all along the road. As a result of these three factors we could simply do nothing in all Tsamchau prefecture, and were constantly accosted with the charge that we were the parties and our books the cause of all this desecration of temples. Repeatedly they asked us if we had come to tear down their temples. Our books and some of my centenary literature screened my identity as an American, so I heard little of that in the general talk. At every place loud calls to kill were constantly heard, and we had to walk very carefully. I paid little attention to this at first, but its continuance rather surprised me, and the constant fear expressed by the people that we had come to tear down temples. Our sales were almost nothing. Not even calendars would sell, as they usually do sell. Once out of this prefecture our sales were increased, though not as is usually the case inland.

"I reached Liuchou on Thursday evening, the 9th of November, having spent ten days of hard travel, excepting on Sunday, on the way.

LEGATION OF THE UNITED STATES OF AMERICA,
PEKING, CHINA.

I went at once to the telegraph office, and found a telegram from the American Consul-General, telling of the terrible massacre at Lienchou, and advising immediate return from the interior. It was all such a shock I hardly knew what to do. It was the first foreign telegram ever received in Liuchou, and hence attracted unusual attention and was soon abroad in the streets. It so happened that before I reached Liuchou, two English army officers had passed through from Kueilin, and as the telegram was already there, the public concluded it was for them, and recalling them at once. This turned the news away from me for the time being. Upon receiving the telegram I at once wired Wuchou, asking H. M. Consul Wilkinson's advice, as he knows Kuangsi well. He confirmed or supported the American Consul-General's advice.

"The same evening I arrived, I sent in my cards as usual to the officials, together with some of our books. But strange so say, they sent none in return. I was rather anxious about that, as such an omission had never occurred before at any place I have visited. Mr. Wilkinson suggested making sure of local protection, and the officials thus ignoring my card made me somewhat uneasy. Upon request later my man brought back the magistrate's card—he did not send it, I requested it. Still I stayed on in the city four days, one being Sunday. Our sales were only fair, but still a great improvement over the preceding days'. I soon learned that boycott literature and anti-American feeling were strong even here. One firm stated that the Native Customs refused to pass any American goods inland.

"Again our literature screened my identity as an American, and I saw only friendliness wherever I went. My men mentioned overhearing discussions of the Lienchou outbreak, and the temple desecration going on elsewhere. But no talk of violence came to our ears. Still, having the telegram as stated above, and the official ignoring my card—these decided me to return instead of proceeding further inland as I had planned. . . . I think it was wisest to do as I have done. The whole province is wrought up to the point of exploding, and at a very slight touch or excuse. Inland missionaries have, nearly all, come away to the ports. Great and exciting gatherings are held all over the country in honour of the late Fêng Wei. A sad feature of this boycott movement is, that so many prominent Christians are among the leaders, and I fully believe they little realise how they are working the people up to a frenzied hate against all foreigners, and that the blow will eventually recoil on themselves. Already in Kuangsi, Tseungchou district, the Christians have been attacked and beaten, charged with bringing thither foreigners. And one chapel not far from Canton was fired into on Sunday as the Christians were in meeting. Details not yet to hand.

"Another matter I want to mention as tending to much uneasiness is the fact that at Wuchou and elsewhere telegrams are held over by the offices, on the excuse that the wire is down, and not delivered until after several hours. A telegram handed in at Wuchou, addressed to the American Consul-General Canton, and calling for a gunboat, fearing trouble, was pooh-poohed by the operator and held for 24 hours before sending". . . .

We learn from this letter that there are certain important facts to be taken into consideration when a judgment is being formed on the Lienchou massacre. There is the criminal dissemination of boycott literature all over the Two Kuang, which has stirred up the people against foreigners generally and against Americans particularly. This boycott literature is full of gross exaggerations and misrepresentations, and the Viceroy and his staff and subordinates are highly culpable for allowing this literature to be distributed broadcast even after their attention was called to its nature and danger. The native officials, by destroying and disestablishing temples in order to convert them into schools of Western learning, have aroused a hatred of Western innovations and Westerners in the minds of the ignorant people, and made them believe that the object of foreigners is to destroy their temples and suppress their religious ceremonies. This doubtless helps to account for the massacre at Lienchou. On the other hand, it is gratifying to see that Mr. Burkwall, travelling through

a country full of excitement, met everywhere with friendly treatment, and he appears never to have been asked whether he was an Englishman or an American, and he was able to sell his books though there was not so much enquiry for them as on former journeys. It will be noted that he emphasises that point which we mentioned some time ago, and to which we have no doubt the foreign representatives in Canton have drawn the attention of the Viceroy there—that while the boycott was anti-American at first, it becomes as it spreads anti-foreign. It is a noticeable point that at one place the Native Customs were refusing to pass American goods; they would hardly dare to do this if they thought that the Viceroy was sincere in his condemnation of the boycott.

Encl. 2 in Des. 183. Gendarme 2.

The Japan Daily Mail.

YOKOHAMA, THURSDAY, DECEMBER 14, 1905.

THE CHINESE STUDENTS.

The Chinese Minister in Tokyo is said to have telegraphed to the Waiwupu that in consequence of the commotion caused among the Chinese students by recently enacted regulations of the Japanese Educational Authorities, he has visited the Foreign Office and the Education Department and has endeavoured to obtain a modification of the regulations. In this he has been unsuccessful, while, on the other hand, he finds the students equally obdurate, and he consequently apprehends that the relations between the two countries may be disturbed. The students also are said to have communicated their complaint to newspapers in China. It is difficult to understand the reasons for this commotion. The rules said to be so objectionable consist in the main of provisions that the introduction of their own Minister must be obtained by students desiring to enter public or private schools in Japan; that the schools eligible for the purpose shall be officially selected and announced; that the same process of selection and announcement shall be adopted with regard to lodging houses, and that such lodging houses shall be subject to official supervision. It appears to us, and it must appear to any impartial person, that students who are really earnest in their pursuit of knowledge would not object to these restrictions and ought rather to welcome them. Without attaching importance to the utterances of sensational journals in Tokyo, we can not wholly overlook the revelations lately made by a certain newspaper as to the manner of life of the Chinese students residing in the Japanese capital. If those revelations be at all credible, then assuredly there is ample cause for the supervisory system now inaugurated by the authorities. On the other hand the ages of the Chinese students range from 16 years to 40, and it is easy to conceive that those among them who have reached full maturity might strenuously object to any scrutiny whatever into their private lives. At all events the students must imagine that they have a measure of right on their side. Evidently their temper is much roused, if we may rely on the *Chuo Shimbun's* version of a manifesto said to have been compiled by them in connexion with this incident. Its languageis extr emely vehement. It declares that in the dragon-and-tiger conflict now taking place between China and the Powers of the world, it is to the students that China owes her titles of equality. The students are free men. They are earnest men. They are combined. They have the right to walk with upright mien and bold carriage before their four hundred millions of countrymen. They are not slaves. It is they who have roused the world on the subject of the treaty between America and their country. Slavery in the West is almost extinct. Is it to commence now in the East? Those that would inaugurate it are the very men who proclaim liberty and equality. The students who are to lead China along her future road will rather die for freedom than live as slaves. The newly enacted regulations are ostensibly for the purpose of preserving good order and morality, but Japanese students are not subjected to such restraints, nor are students in Europe and America. That Chinese students alone should be subjected to them would be a disgrace to "our ancestral country." "The Japanese Constitution guarantees liberty of person. China's relations with Japan are relations of equality. We are entitled to the same treatment as Japanese subjects. But the restrictions that it is proposed to impose on us outside school deprive us of practical liberty. They are an uncivilized Japanese device to destroy civilized laws. We will never submit to them."

Such is the alleged language of the manifesto, and thus far no indications are apparent that the students have changed their mood. Their leaders are said to number about 500, and even the female students have joined the strike. In the *Niroku Shimpo* we read that an idea prevails among the malcontents that a big German school is about to be built and equipped at Kiaochow, and that they can repair thither if they have to quit Japan.

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REC'D.
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APPOINTMENTS
1905
Department of State.

Secretary of State.
DEC 29 1905

TELEGRAM RECEIVED IN CIPHER

From Peking

December 29th, 1905.

Rec'd. 11:25 A. M.

Secretary of State,

Washington.

December 29, - 4 P. M. Received a note from the Foreign Office 18th instant, containing a report of the Viceroy, Canton, on the investigation Lianchow massacre and findings joint commission. The Viceroy approves findings and asks Foreign Office to request me to instruct Consul General to close the case on the basis of the findings. Foreign Office therefore asks me to instruct Consul General to settle the case at Canton with the Viceroy's deputies. I have received also a report from the Consul General substantially agreeing with the Chinese version and determining the rest of it; adds little to telegram sent you and me by him 16th instant. He makes no recommendations punishment officials. I am asking him to do so. Imperial edict sent you my despatch No. 138 (?) orders punishment officials directly responsible and indemnification in principle. If the Viceroy is primarily responsible and we ask his severe punishment, I doubt if we can secure it if not prepared back demand with strong show force. See my despatch No. 140. Instruct me concerning indemnity and other reparation, including punishment officials responsible in any degree; also whether the case should be settled by the Consul General or here.

Deciphered by ~~the Chief Clerk's Office~~

ROCKHILL.

S. H. Q.

Department of State
DEC 29 1905

TELEGRAM RECEIVED IN CIPHER

Peking

December 28th, 1905.

Rec'd. 11:25 A. M.

Secretary of State,

Washington.

December 29, - 4 P. M. Received a note from the Foreign Office 18th instant, containing a report of the Viceroy, Canton, on the investigation Limerbow massacre and finding joint commission. The Viceroy approves findings and asks Foreign Office to request me to instruct Consul General to close the case on the basis of the finding. Foreign Office therefore asks me to instruct Consul General to settle the case at Canton with the Viceroy's deputies. I have received also report from the Consul General substantially agreeing with the Chinese version and determining the rest of it;adds little to telegram sent you and to by him 16th instant. He makes no recommendations punishment officials. I am asking him to do so. Imperial edict sent you my despatch No. 158 orders punishment officials directly responsible and indemnification in principle. If the Viceroy is primarily responsible and we ask his severe punishment, I doubt if we can secure is if not pressed back demand with strong show force. See my despatch No. 160. Instruct me concerning indemnity and other reparation, including punishment officials responsible in any degree; also whether the case should be settled by the Consul General or here.

ROCKHILL.

S. M. G.

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SOLICITOR'S OFFICE,
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ASSISTANT SECRETARY,
FEB 7 1906
Solicitor

ASSISTANT SECRETARY,
FEB 6 1906

No. [redacted]

December 29, 1905.

CHIEF CLERK
FEB
DEPARTMENT
OF STATE.

Mr. Rockhill to the Secretary of State.

Subject:

The Lien Chou Massacre.

Confirming telegram of December 29th, 1905, re report of Viceroy of Canton on the investigation and findings of joint commission.

No. ——
RJ.

AMERICAN LEGATION,
PEKING, CHINA.

December 29, 1905.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to confirm my telegram to you of this date as follows:

"Secstate,
Washington,

December twenty-ninth, four P.M. Received a note from the Foreign Office eighteenth instant containing a report of the Viceroy Canton on the investigation Lien Chou massacre and findings joint commission. The Viceroy approves findings and asks Foreign Office to request me instruct Consul General to close the case on the basis of the findings. Foreign Office therefore asks me to instruct Consul General to settle the case at Canton with Viceroy deputies. I have received also a report from the Consul General substantially agreeing with the Chinese version and determining responsibility. It adds little to telegram sent you and me by him sixteenth instant. He makes no recommendations punishment officials. I am asking him to do so. Period. Imperial Edict sent you my despatch number 138 orders punishment officials directly responsible and indemnification in principle. If the Viceroy is primarily

responsible and we ask his severe punishment I doubt if we can secure it if not prepared back demand with strong show force see my despatch number 140. Period. Instruct me concerning indemnity and other reparation including punishment officials responsible in any degree also whether the case should be settled by the Consul General or here.

Rockhill."

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

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To Treasury Feb. 10

Feb. 14

ASSISTANT SECRETARY, FEB 6 1906

No. 184.

December 30, 1905.

CHIEF CLERK FEB 6 1906 DEPARTMENT OF STATE

Mr. Rockhill to the Secretary of State.

Subject:

New Chinese Coinage Regulations.

Enclosing clipping from the North China Daily News (Shanghai) of the 7th December, 1905.

INDEX BUREAU FEB 20 1906 FILED

AMERICAN LEGATION,
PEKING, CHINA.

No. 184. December 30th. 1905.

To the Honorable

Elihu Root,

Secretary of State,

Washington, D. C.

Sir:- I have the honor to inclose a clipping from the North China Daily News, Shanghai, of the 7th. inst.which expresses very clearly the view which prevails generally among the foreign residents of China as to the impossibility of securing a uniform coinage under the new Coinage Regulations, a translation of which was mailed you in my #168, of the 11th inst.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:
1. Clipping from N-C Daily News of December 7, 1905.

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ASSISTANT SECRETARY,
FEB 20 1906

Ack. orally
Hd. orally
Feb 24

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No. 185.

January 1, 1906.

CHIEF CLERK
FEB
19
DEPARTMENT
OF STATE

Mr. Rockhill to the Secretary of State.

Subject:

Opinions of the Japanese on the negotiations at Peking. Enclosing clipping from the "Japan Daily Mail" of December 18, 1905, and referring to No. 182 of December 28th, 1905.

INDEX BUREAU
FEB 28 1906
FILED

No. 1486 January 3, 1906.

Re. Rockhill to the Secretary of State.

Subject:

Opinions of the Japanese on the negotiations at Peking. Declaring editorials from the "Japan Daily Mail" of December 12, 1905, and referring to No. 1454 of December 28th, 1905.

AMERICAN LEGATION,
PEKING, CHINA.

No. 185.
RJ.

January 1, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to enclose herewith an editorial from a recent issue of the "Japan Daily Mail" which expresses admirably the views of many Japanese on the negotiations which have been proceeding at Peking between the Japanese and the Chinese Governments. I had occasion in my despatch No. 182 of December 28th last to refer to the impressions I had gained from members of the Japanese Special Mission of their opinion of the treaty and the spirit of the Chinese. The article I now enclose gives fuller and clearer expression to these opinions than I could do in the short reference I made of these questions to you.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:

Clipping from the "Japan Daily Mail", December 18, 1905.

Encl. in Des. # 185

The Japan Daily Mail.

Yokohama, Monday, December 18, 1905.

THE PEKING NEGOTIATIONS.

It is plain that a sentiment of disappointment begins to permeate the Japanese nation with regard to the negotiations now proceeding in Peking. There has not been, it is true, any trustworthy statement of results achieved or even of demands preferred. Secrecy seems to have been most successfully preserved. Rumour, however, more circumstantial than rumours generally are, affirms that the Russians know exactly what is going on. They are supposed to be kept informed by a Bishop of the Greek Church who has the unrestricted *entrée* of the Palace and is on terms of the most confidential nature with the famous, or notorious, chief eunuch. Stories of that kind people the atmosphere of Peking and have peopled it from time immemorial. They generally attribute extraordinarily acute perspicacity to the Russians, whereas history does not contain many traces of such an endowment. But the question is not who knows or who is ignorant. The question is, has any real progress been made by the negotiations and if so what progress? Somehow or other the public *flaire* can never be permanently paralysed, and what it indicates in this case is, generally, that the Chinese are determined not to concede to Japan anything more than Russia legally possessed in Manchuria, and specially that they will grant no new railway concessions. The Chinese on the present occasion have been required to make a momentous choice. They have been required to choose whether they would trust Japan and repose frank confidence in the Anglo-Japanese alliance, or whether they would adhere to their perennial policy of trusting no one and to the isolation which has brought upon them such frequent and serious troubles. Perhaps it is not too much to say that the fate of the Chinese empire depends upon this choice. It is impossible for any unprejudiced reader of history to withhold his sympathy from China. She has been badly, almost uniformly badly, treated by foreign Powers in the past, and if she retained any remnant of trustfulness it would be strange. That is the sentimental view of the matter. But there is also a practical view. Two States, one an Occidental, the other an Oriental, have now separated themselves from the group of Powers who, under various pretexts, some brutal, some specious, have hitherto held China in a vice. Those two States have proclaimed themselves the guardians of her territorial integrity, and one of them has fought in her behalf the most terrible war in modern annals. If ever an opportunity offered for a country to purchase ease and safety at a low price, such an opportunity now offers to China. Yet it would seem that she can not dissociate herself from her suffering past, and that she is no more prepared to believe in the integrity of her Oriental neighbour's purpose than she is prepared to believe in the forbearance of the Occidental State from whose aggressions she has barely been rescued. Were she disposed to place any credit in Japan—we say nothing of gratitude, preferring to dismiss all emotional elements—she would gladly make in Manchuria such concessions as might correct the incompleteness of Japan's victory. Russia has not been driven completely out of the Three Eastern Provinces. She retains a foothold in the two northern of them, and unless she has changed the spots on her leopard's skin, she will gather strength there for a fresh spring southward. The obvious way to avert this peril is to strengthen the Japanese counterpoise, and that can be done only by according to Japan a position strategically so advantageous as to paralyse any aggressive purpose on Russia's part. The Japanese should be allowed to link up their Korean and Manchurian systems of railways so as to bring their main base within minimum range of the prospective field; they should be allowed to carry the road from Changchun to Kirin so as to command the northern highways; and they should be allowed to join Mukden with Hsinmintun so as to open an important route of supplies as well as an avenue for the co-operation of China herself. But the Chinese seem just as anxious to prevent all increase of Japan's potentialities as to avoid any risk of Russian resentment. They refuse every railway concession on the most trivial grounds. Russia never received any title to build a line from Changchun to Kirin, therefore Japan must not receive it—an argument which places Russia and Japan in precisely the same category. Mukden is the site of the Tsing's ancestral tombs, therefore Mukden must not be approached by a foreign-owned line from Hsinmintun—an argument which ignores the fact that but for Japan's armed intervention Mukden would now be trampled under the hoofs of Cossack cavalry. A neutral zone has existed from ancient times between Korea and Manchuria, therefore there must be no railway there—an argument which disregards the existence of a military line already built. With such paltry pretexts the Chinese statesmen are understood to be meeting Japan's proposals. In short, they have chosen to keep their doors closed and stand a siege by all nations instead of admitting some to join the garrison. No wonder that the Japanese are disappointed. For this means that their immense sacrifices of life and treasure have not attained the only end that could have entirely justified them, a lasting peace for East Asia. It means that China declines to have any foreign friends; that she brackets all outside States together, and that she still entertains the vain hope of being able to guard her gates single-handed. Should this indeed prove to be her effective mood, her blindness will be quite extraordinary, for only complete loss of political vision could make her unconscious of the object lessons that have been staring her in the face for the past ten years. There will be satisfaction in two camps at all events: the camp of the prophets of the Yellow Peril and the camp of the advocates of partition. For there [illegible] no Yellow Peril so long as the East is divided against itself, and there can be no safety for China so long as she chooses to remain an Ishmael among nations.

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ASSISTANT SECRETARY,
FEB 20 1906

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Ltr'd Cons. Bur.
Ans'd
Nov. 2
C

No. 186. January 3, 1906.

BUREAU OF TRADE RELATIONS
RECEIVED
FEB 27 1906
Noted & Retd.
DEPARTMENT OF STATE

CHIEF CLERK
FEB
19
DEPARTMENT
OF STATE.

Mr. Rockhill to the Secretary of State.

Subject:

Localities in Manchuria to be opened to foreign trade and residence under the Peking agreement. Enclosing clipping from the North China [redacted] News of December 27, 1905.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 186.
RJ.

January 3, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

In further reference to the enquiry you were pleased to make in your telegram of the 27th of December, as to the names of the localities opened in Manchuria to foreign trade and residence, and which I was unable to give you, I find in a recent issue of the Shanghai "North China Daily News" of December 27th, 1905, the enclosed telegram from Tokyo which gives, on what authority I know not, the names of these localities. Many of them, I should think, are correctly stated.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:

Clipping from the N-C Daily News, December 27, 1905.

No. 17
87.

January 3, 1908.

To the Honorable

Elihu Root,

Secretary of State,

Washington, D.C.

Sir:

In further reference to the inquiry you were pleased to make in your telegram of the 27th of December, as to the terms of the treaty signed in Peking to regulate foreign trade and residence, and which I was unable to give you, I find in a recent issue of the Shanghai Daily News, Daily News of December 27th, 1907, the enclosed telegram from Tokyo which gives, on what authority I know not, the terms of those treaties. How of them, I should think, are correctly stated.

I have the honor to be, Sir,

Your obedient servant,

Enclosure:

Clipping from the N-G Daily News, December 27, 1907.

Enclosure in Despatch No. 186.

From the "North China Daily News", Shanghai, December 27, '05.

Tokio, 26th December.

The Peking treaty opens the following towns to foreign trade: Fênghuangchêng, Liaoyang, Hsinmintun, Tiehling, Tungchangtse, Changtu, Fakumên, Changchun, Kirin, Harbin, Hunchun, Sansin, Tsitsihar. Hailar, Argun, Manjuria the town).—*Our own correspondent.*

N.C.D.N. 6
Dec. 27. 05

DEPARTMENT OF COMMERCE AND LABOR—BUREAU OF MANUFACTURES

DAILY CONSULAR and TRADE REPORTS

For copies address the Bureau of Manufactures, Department of Commerce and Labor

Washington, D. C. Tuesday, February 27, 1906. No. 2498

[TABLE OF CONTENTS WILL BE FOUND ON PAGE 8.]

JAPAN'S MERCHANT MARINE.

ACTIVITY REPORTED IN SHIPBUILDING.

Since the close of the war with Russia Japan has entered actively upon the extension of its merchant marine, and there are indications of a purpose to make the Japanese flag supreme in oriental waters. Consul-General Rodgers, of Shanghai, furnishes an interesting report on this matter, which follows:

During the period of comparative quiet which followed the practical end of the war in early June and continued until the signing of the peace treaty there was little evidence of the present day activity in the Japanese shipping business, but now it is apparent on every side and is especially noticeable in Shanghai, a port which will be used more in the near future by the Japanese than perhaps any other nation.

The magnificent water front owned by the Nippon Yusen Kaisha (Japanese Steamship Company), formerly the property of the Pacific Mail Steamship Company, from which it was bought for a small portion of its present value, is occupied by a long line of pontoons and godowns, and from and to these a constant stream of cargo is being handled by Japanese steamers of light draft, which are not hindered by the Whangpoo bar. The regular and subsidiary ships of the Nippon Yusen Kaisha are being added to by coasting ships which will ply in all directions, even the Yangtse service having been entered with determination. The activity of the Japanese carrying trade to the north is marked, and but recently, by the institution of an agreement between the Nippon Yusen Kaisha and the Deshler Line (under the American flag), of Kobe, there is provided a weekly service to all Korean ports via Moji, with Kobe and Shanghai as the terminal points. It is well understood that the Japanese are determined for the present to make Kobe and Moji their great shipping ports, and that Shanghai will be their Chinese base.

HONGKONG TO AUSTRALIA.

The news of the intentions of the Japanese as to their merchant marine of course are at second hand in Shanghai, but semiofficial

announcements have been made that every port touched by Pacific waters will soon be reached. It is known that a line from Hongkong to Australia via Manila will soon be developed into a rival in importance of the trans-Pacific. In the meanwhile the shipbuilding companies of Japan are building new vessels, repairing old ones, altering captured craft, and in every way preparing to adapt everything they have afloat to the new field of Japanese endeavor. If the half that is told of Japanese intentions as to merchant marine is true, then an activity will ensue on the Pacific Ocean which will astonish the world. It is too late this year to get the full development, but one year from now, unless unforeseen causes intervene, there will be a wonderful Japanese fleet afloat, and every one of the nations which have practically monopolized the sea traffic in the Orient will have to look to their laurels.

This anticipation, which is current in Shanghai especially, is causing great uneasiness for the reason that many see in it a promise of the necessity for a frequent readjustment of freight tariffs and a consequent diminution of profit. At present there is some uncertainty as to these tariffs, the war rates having been abated as necessity demanded. Those best informed predict entire new schedules, and it is certain that many new plans will have to be inaugurated to meet the competition. Whether Japanese vessels can be successful under these conditions is another question entirely. Many well-informed persons argue that they can not; that the thing will be overdone and will be ruinous to them. It is also asserted that the Japanese can not operate ships as economically as Europeans, and that there is no special advantage in their favor. But whatever may be the financial outcome to the Japanese, it is entirely probable, in view of all the conditions, that some of the large shipping firms, and especially the American trans-Pacific lines, will, in the near future, proceed upon a different programme and require ships of smaller tonnage for China coast service.

A RIVER FLEET.

Not alone on salt water is Japan making her advance. On the Yangtze she will certainly have a large fleet and upon the smaller rivers and canals as well. The carrying trade at Hangchow via the Whangpoo and the Grand Canal she already shares to a great extent, the service being conducted by small towing launches and lorchas. Soochow, Huchow, and other canal cities will also receive attention, and it is understood that her small coasting ships to places like Ningpo will be numerous. The Chinese apparently offer no impediment to these plans; on the contrary, they appear to welcome them. In no way is the evident determination of Japan to inaugurate a commercial conquest of the Orient more apparent than in the announced diffuse intentions of her merchant marine. Instances to prove this are plenty. In fact one has but to inspect the present sailing lists of the Osaka, Shosen, and the Nippon Yusen Kaisha and its allied lines to note that not a route has been forgotten at present. And in addition to that it is well known to everybody that the shipyards of Japan are the busiest places in the East to-day. The tonnage being prepared for service is enormous and the work goes steadily on. No other city in China will feel the effect of this invasion as will Shanghai.

CONCESSIONS TO JAPAN.

CHINA AWARDS FAVORS IN NEW TREATY.

In the new treaty between Japan and China, just published, "the Imperial Chinese Government agrees that, as soon as possible after the evacuation of Manchuria by the Japanese and Russian forces the following cities of that territory will be opened by China herself as places of international trade and residence: In Shing-king Province, Feng-hwang-chenn, Liau-yang, Hsin-min-tun, Tie-lung, Tung-kiang-tsze, and Fa-ku-men. In Kirin Province, Chang-chun (Kwang-cheng-tsze), Kirin, Kharbin, Ninguta, Hun-chun, and San-sing. In Hie-lung-kiang Province, Tsitsihar, Khailar, Ai-hun, and Manchuli."

"The methods of laying out the Japanese settlement at Ying-kau, in Shing-king Province, which has already been opened to trade, and at An-tung and Mukden, in the same province, which are still unopened though stipulated to be opened, shall be separately arranged and determined by officials of Japan and China."

In articles 11 and 12 the governments of Japan and China engage that most-favored-nation treatment shall be reciprocally extended.

In article 10 "the Imperial Chinese Government agrees that a joint-stock company of forestry, composed of Japanese and Chinese capitalists, shall be organized for the exploitation of the forests in the regions on the right bank of the river Yalu, and that a detailed agreement shall be concluded in which the area and term of concession, as well as the organization of the company and all regulations concerning the joint work of exploitation, shall be provided for. The Japanese and Chinese shareholders shall share equally in the profits of the undertaking."

Japan is also accorded important railway privileges in Manchuria, including the working and improvement of the Antung-Mukden line for fifteen years, after which China shall purchase it at an appraisement by a foreign expert, and admission of all railway material free of tax.

ISLAND OF MAURITIUS.

AMERICAN HOUSE AND GOODS BOTH NEEDED.

Consul Botkin, of Port Louis, writes a practical letter on the opportunities for American trade on the island of Mauritius, which lies off the east coast of Africa. He points out the special need there of modern cook stoves and household appliances, foodstuffs in cans and packages, bicycles, phonographs, smoking tobacco, shoes, and clothing, and advises the location of an American commercial house at Port Louis to supply these and other lines. What Mr. Botkin says about Mauritius is applicable to all parts of the world. If merchants can not carry the expense of sending individual agents they should combine and send one man to represent several lines. The report

will repay reading, both for what it says, but most of all for what it suggests. It follows:

There is room and opportunity here for American enterprise, but to be certain of results it should take the form of a cooperative undertaking. There would not be enough trade in any one line, but ample for a number of lines pooled under a single management. It is not good policy to ship American goods here and depend upon strangers to find a market for them. All the zeal in business is confined to some of the Indian (Hindu) traders, whose limited capital restricts their operations. Many of them, however, if shown and directed by an American manager, would develop into splendid salesmen. They are lithe, active, keen, intelligent, and of pleasing address. To them it makes no difference about the nationality of the goods to be sold. The Chinese merchants, who are also numerous, have little of the Indian's ambition. There are so few English engaged in trade that it is not necessary to consider them in this statement.

Numerous Frenchmen are engaged in trade, but they would have much to learn before they could successfully hold their customers against an American house that would advertise and display zeal in "showing goods."

NO EFFORT MADE TO SELL GOODS.

There are several large commission firms here whose warerooms are filled with goods, but they seek no customers and make sales only where customers seek them. No representative goes about to solicit trade or push wares upon the market. The dust of several years, I am told by an Indian tradesman, is upon many cases of goods in these warehouses. The account for storage in the meantime accumulates, and whenever those goods shall be sold, if ever, that account plus commission will deplete the amount of remittance. Those are substantially the words used by my informant.

I therefore urge the establishment of an American supply depot and wholesale and retail department store at Port Louis, with perhaps three or four branch retail stores at interior towns on the lines of railway, the farthest of which would be within an hour's reach of Port Louis. Such a concern could handle everything American that might be wanted, and there are many things which these people would want once they learn their use. Here is a population of 375,000 people, yet there are not a dozen cookstoves on this island. All cooking is done by primitive methods, most natives never having seen a cooking stove. Here is a splendid opening for the American stove trade. The same holds good as to washtubs, clothes wringers, and all other household articles.

A SALABLE LINE OF MERCHANDISE.

Flour retails here at 12 cents (Mauritian) per pound for Australian flour and 10 cents for Indian flour. (The American cent equals three Mauritian cents.) The flour is very good. If American flour were sent here, much of it should be put up in 5, 10, and 25 pound packages or bags to accomodate the native trade. Corn meal, also put up in small packages, would find a good sale, also canned meats and some of the by-products of the packing houses, evaporated apples, peaches,

and pears, canned tomatoes, jams, jellies, and lemon juice in pint and quart bottles. Many American special manufactures, such as cabinet baths, gramaphones, phonographs, bicycles, etc., could be sold. American pipe smoking tobacco of the "plug-cut" varieties is badly needed. There is not an ounce of good smoking tobacco in this island, nor any at all of American growth and manufacture.

American shoes, of soft uppers and with thick soles; American light-weight, all-woolen underwear and light-weight, all-woolen blankets; various styles of cotton cloth and fabrics; many American books and toys, notions, etc., would all sell if put under the management of American talent. I would urge that a wide-awake, close-observing agent should be sent soon to look this field over and make up an invoice of the goods and wares to be shipped. He should have authority to lease property. This consulate would be glad to render any legitimate assistance. Much would be saved on the shipping account if all goods were loaded at New York and shipped direct via Cape of Good Hope.

NEW CURRENCY IN CHINA.

SILVER THE BASIS, WITH SILVER CERTIFICATES.

Consul Haynes, of Nanking, sends a report on the new and uniform currency regulations adopted by China. The Government has decided to adhere to the silver standard, and ordered the coinage of an entirely new coin, the Kuping tael, which, with its subdivisions, is to be the only legal tender in China, superseding sycee and dollars alike. The consul continues:

The regulations begin by stating that the equality and weight of the new tael coin must be purer and more exact than those of the silver dollars minted in the provinces, so as to make it a true standard of the national currency. The best quality of sycee which is now in circulation is found, under the process of chemical analysis, to consist of 98.9 per cent of pure silver. Allowing 2 or 3 candareens for loss in minting, the new tael coin is to be minted with an alloy of 9 mace 6 candareens pure silver and 1 mace copper, as equal to 1 Kuping tael of full touch; 5-mace coins to be made of 4 mace 8 candareens pure silver and 5 candareens copper; 2-mace coins of 1 mace 7 candareens pure silver and 3 candareens copper, and 1-mace coins of 8.5 candareens pure silver and 1.5 candareens copper. The proportion of the output each time is to be 40 per cent of 1-tael coins, and 20 per cent each of the three subsidiary coins, and special permission must be obtained from the financial council and board of revenue if it is desired to change this proportion. The weight and quality of the coins turned out by the authorized mints must be uniform, and all analyses and inspections must be effected strictly in accordance with the currency regulations.

NO FEES MUST BE LEVIED.

The tael coin and subsidiary coins must always be exchanged at their face value, and to charge any premium or discount in paying or receiving them will be a punishable offense.

The tael coin being fixed as the standard of the national currency, its circulation will be unlimited, but subsidiary coins are only legal tender to the extent of 10 taels. The rate of exchange for copper coins and the limit to the sum for which they will be legal tender will be announced when reports on the subject from the provinces have been considered. Millions of these coins are to be minted by the Imperial mint (Hupu Tsaopei Tsungchang) and by the submints in Chili, Kiangsu, Hupe, and Kuangtung, the board of revenue supplying the dies. "The coins so minted are to be handed to the Imperial Bank (Hupu), for which paper notes are to be printed; after putting this money into circulation, the metropolitan and provincial treasuries, as well as the railway, telegraph, and shipping offices in the provinces, should receive them in proportion." Payments are to be made partly in notes and partly in coin, and by degrees the use of sycee is to be abandoned, and all transactions are to be in the new currency. "All payments in Kuping or treasury scale due to the provinces should be collected in tael coins, and arrangements might be made by the receiving officials for the levy of a legal fee under the title of 'huo-hao' or 'loss in fuzing,' but no further fees, no matter under what name, must be levied. Those payments which are in other scales should be calculated and converted into Kuping scale, and once adjusted should adopt forever the tael coin as the standard."

DUTIES PAID IN NEW COINS.

The Waiwupu will notify the foreign minister and consuls and instruct the commissioners of customs as soon as the new coins are ready for circulation. The necessary calculation for changing the duties from haikwan into kuping taels will be made, and duties will be paid in future in the new coins. "On the day of putting into circulation the new coins, the people and merchants must be notified by proclamation by the local authorities, under the order of the viceroys and governors, that all accounts and money transactions in different scales and quality of sycee before that date must be settled with the new taels duly adjusted. The recipient must in no case refuse." Anyone in the possession of sycee can take it to the Imperial mint or one of the submints, and receive for silver of 98.5 per cent fineness (touch) an equivalent amount in the new coins. "The gain in touch will he taken to defray the cost of minting, and there will be no claim on either side. Inferior quality of sycee, foreign dollars, or dollars turned out by the Provinces can also be melted down into new tael coins, calculated at the amount of real silver contained." In exchanging the old coins or silver at the native banks, Imperial Bank, official banks, cash shops, etc., there must be no extortion or irregularities of any kind. Any attempts at such extortion must be reported in Peking to the financial council and board of revenue, and in the Provinces to the Tartar generals, viceroys, and governors, and must be dealt with strictly for the protection of the new currency; and these regulations must be made universally known by publication in the official gazettes and by proclamation in large type, when the new coins are ready for circulation, "in order to check fraud on the part of the yamen runners."

FOREIGN TRADE OPPORTUNITIES.

[Inquiries on file at Bureau of Manufactures. In applying for information refer to file number.]

No. 1. Refrigerators for Holland.—Four sample refrigerators desired, built to suit Dutch ideas, one 38 inches high by 25 broad, one 40 by 27, one 42 by 30, and one 44 by 33. The main Dutch objection to American refrigerators is that they are not deep enough. The firm will pay f. o. b., and if sample and price suit further business will result.

No. 2. Horn comb machinery.—Party in England desires to get into communication with American manufacturers of improved machinery for making horn combs.

No. 3. Rice-cleaning machinery.—A company in Greece now conducting experiments in rice culture desires to purchase rice-cleaning and polishing machinery and would like to hear from American manufacturers.

No. 4. Models using alcohol.—Greek company anxious to get some American models of general use in which currant alcohol can be consumed. The models would be paid for or returned.

No. 5. Agricultural and cotton machinery.—South African firm wishes to buy American plows, cultivators, and farm machinery, cotton gins and presses, and evaporators for sugar cane.

No. 6. Foodstuffs.—Firm in Malta desires to correspond with New York and Boston exporting concerns selling general merchandise and foodstuffs. Direct line of steamers between New York and Malta.

No. 7. Cotton.—An Italian firm wishes to establish American relations for the purchase of raw cotton. Good references furnished.

No. 8. American wood.—Firm in Hungary desires to purchase black walnut, whitewood, and satinwood from America for cabinetwork. It must be straight and sound. If American exporters can furnish what is wanted a big trade will soon be established.

No. 9. Textiles.—Firm in Bulgaria desires to know what manufacturers would be in position to export thither cotton flannels, calicoes, and similar fabrics.

No. 10. Cotton goods.—Smyrna importer wishes communication with exporting manufacturers of dyed and printed cotton goods.

No. 11. Lead.—Party in Syria desires direct communication with exporters of lead in pigs and sheets, which they are now buying in French markets.

No. 12. Red copper.—Firm in Genoa, Italy, wishes to negotiate with manufacturers of red copper, in sheets, for sheathing ships.

No. 13. Chinese agency.—Shanghai concern offer their services to merchants and manufacturers who wish to establish themselves in the Chinese market, and are open to receive samples, price lists, etc., and dispense all kinds of information.

No. 14. Vaseline.—Vienna company wishes to purchase viscous medicinal vaseline from American firm. Address Consul-General W. A. Rublee, Vienna, Austria.

No. 15. Motor omnibuses.—Several London inquiries have been received for motor omnibuses. Address Consul-General Robt. J. Wynne, London, England.

No. 16. Paper bags.—Scottish cement manufacturer desires information and prices for American-made paper bags to convey cement. Address Consul J. N. McCunn, Dunfermline, Scotland.

No. 17. Superintendent.—A competent man is wanted to direct an establishment for the manufacture of chewing (plug) tobacco in Central America.

No. 18. Lumber.—A responsible business house at Catania, Italy, desires the address of American manufacturers and exporters engaged in trade with Italy, and especially those handling pitch pine, satinwood, and walnut.

No. 19. Linen paper.—A dealer in paper in Christiania, Norway, wants names and addresses of American manufacturers of that article. A small sample of the paper desired may be obtained from the Bureau of Manufactures. Interested parties will address Henry Bordewich, Consul-General, Christiania, Norway.

NEW VESSELS OF THE UNITED STATES.

The following new vessels of the United States, over 20 tons, have been officially numbered by the Bureau of Navigation, Department of Commerce and Labor, between February 1 and February 15, 1906, inclusive:

Name.	Rig.	Gross tons.	Material.	Where built.	Home port.	Owner.
John Weaver	Screw steamer (icebreaker)	1,769	Steel	Philadelphia, Pa	Philadelphia, Pa	Ci[illegible]delphia.
Massapequa	Screw steamer	3,193	do	Sunderland, England	New York, N. Y	Man[illegible] Co.
Yosemite	Schooner	827	Wood	Fairhaven, Cal	San Francisco, Cal	Charles [illegible]mick.
Madison	Screw steamer	181	Steel	Port Richmond, N. Y	New York, N. Y	Del., Lac[illegible] R. Co.
Morristown	do	181	do	do	do	Do.
Pocopson	Schooner barge	721	Wood	Noank, Conn	Philadelphia, Pa	Reading Co.
William V. R. Smith	Screw steamer	207	do	do	New York, N. Y	Jay St. Terminal.
Onrust	do	95	do	Philadelphia, Pa	Hartford, Conn	Hartford & N. Y. Tpn. Co.
Elmer	Gasoline screw	42	do	New York, N. Y	New York, N. Y	Wm. C. Stuart.

Yosemite	Schooner	827	Wood	Fairhaven, Cal	San Francisco, Cal	Charles [illegible] mick.
Madison	Screw steamer	161	Steel	Port Richmond, N. Y	New York, N. Y	Del., Lac [illegible] R. Co.
Morristown	do	181	do	do	do	Do.
Pocopson	Schooner barge	721	Wood	Noank, Conn	Philadelphia, Pa	Reading Co.
William V. R. Smith	Screw steamer	207	do	do	New York, N. Y	Jay St. Terminal.
Onrust	do	95	do	Philadelphia, Pa	Hartford, Conn	Hartford & N. Y. Tpn. Co.
Elmar	Gasoline screw	42	do	New York, N. Y	New York, N. Y	Wm. C. Stuart.
Onward	do	24	do	Bascom, Ohio	Toledo, Ohio	S. J. Matthews.
Nan Elizabeth	Stern-wheel steamer	411	do	Lumber City, Ga	Brunswick, Ga	Altamaha Nav. Co.
Malcolm V. Clark	Screw steamer	26	do	Norfolk, Va	New York, N. Y	Clark & Wilkins.
C. W. Lyon	Stern-wheel steamer	98	Steel	Wilmington, N. C	Wilmington, N. C	Tar Heel Stmbt. Co.
Joseph Sellwood	Screw steamer	6,741	do	Lorain, Ohio	Cleveland, Ohio	American S. B. Co.
Judge Pennewill	Schooner	439	Wood	Bethel, Del	Seaford, Del	John M. C. Moore.

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Department of State,

BUREAU OF TRADE RELATIONS.

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MEMORANDUM.

DEPT. OF STATE

February 27, 1906.

Mr. Smith:-

Though the text of the Treaty and Additional Agreement between China and Japan relative to Manchuria is no longer in my possesion, I have compared the list of ports submitted by Min. Rockhill with the list of ports copied from the text of the treaty in this Bureau, and transmitted to the Department of Commerce and Labor, printed in Daily Consular Reports, No. 3498, Feb. 27, 1906, of which copy herewith. That list includes the names of all the ports submitted by Min. Rockhill, except "Changtu", and gives in addition "Hinguto". With these exceptions the lists correspond.

J. B. O.

Sowing
Mr Rockhill
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Mr. C.

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ASSISTANT SECRETARY,
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No. 187.

January 5, 1906.

CHIEF CLERK
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DEPARTMENT
OF STATE.

Mr. Rockhill to the Secretary of State.

Subject:

Announcing the arrival in Peking of G. Hamilton Butler, Student Interpreter.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 187.
CJ.

January 5th, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to report that Mr. G. Hamilton Butler arrived in Peking on December 26th last. He has now begun his regular course of study as a Student Interpreter at this Legation.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

DIPLOMATIC BUREAU

3rd ASST. SECRETARY. MAR 2 1906

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No. 189. January 7, 1906.

CHIEF CLERK FEB 19 1906 DEPARTMENT OF STATE.

Mr. Rockhill to the Secretary of State.

Subject:

Rules of the Mixed Court at Shanghai.

Confirming the modification of a note sent by the Dean of the Diplomatic Corps under date of January 6, 1906, to the Senior Consul, Shanghai. Referring to No. 178 to the Department, dated December 23, 1905.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 188.
CJ.

January 7, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

Referring to my No. 178 of December 23rd last, with regard to the recent Mixed Court entanglement in Shanghai, I have the honor to report that the letter from the Dean of the Diplomatic Corps to the Senior Consul at Shanghai, the draft of which formed Enclosure No. 13 therein, though accepted at the time I wrote, was subsequently modified as follows: The last paragraph has been changed and the letter now ends - "While calling your attention to the facts and principles set forth above, the Diplomatic Body is of the opinion that the decision taken by the Consular Body on the 26th of July, not having been approved by the Representatives of the Powers in Peking, must be considered null and void. I avail myself of the opportunity, Mr. Consul General, to renew the expression of my high consideration. (Signed) MUMM."

This note was ultimately sent under date of January 6th, 1906.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

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No. 189.

January 8, 1906.

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Mr. Rockhill to the Secretary of State.

Subject:

Necessity for the constant presence of a warship at Shanghai. Enclosing letter of the American Association of China on the subject.

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AMERICAN LEGATION,
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No. 189.
RJ.

January 8, 1906.

To the Honorable,
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to transmit to you herewith copy of a despatch received from our Consul General at Shanghai together with its enclosure - a letter from the President of the American Association of China calling attention to the urgent necessity, in view of the general uneasiness and constant evidence of agitation among the Chinese people which have shown themselves so repeatedly of late in Shanghai and other parts of China, for a war vessel of the American Navy being stationed at Shanghai.

I have frequently had occasion in my despatches to the Department to call attention to the present unsettled condition of affairs throughout China, and to the many evidences of unrest, apprehension and suspicion which now fill the minds of the Chinese. Shanghai is without doubt the principal center where congregate the greatest number of the leaders of the present campaign of agitation, and is consequently the locality where we have the most to fear trouble with the Chinese and where a proper American Naval representation is the most necessary.

Considering the importance of the subject, and the agreement of views between the Consul General, the American Association of China and myself as to the desirability of constantly stationing- until conditions have very materially changed,

AMERICAN LEGATION,
PEKING, CHINA.

No. 173.
EJ.

January 6, 1906.

To the Honorable,
Elihu Root,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to transmit to you herewith copy of a despatch received from our Consul General at Shanghai together with its enclosure - a letter from the President of the American Association of China, calling attention to the urgent necessity, in view of the present conditions and constant menace to life and property existing among the Chinese people which have among themselves no responsibility of late in Shanghai and other ports of China, for a war vessel of the American Navy being stationed at Shanghai.

I have fully and carefully had occasion in my despatches to the Department to call attention to the proper organized condition of affairs throughout China, and to the many evidences of unrest, apprehension and suspicion which now fill the minds of the Chinese. Therefore to reiterate under the present existing of affairs, and to consequently the possibility where we have the most to fear trouble with the Chinese and where a proper American Naval representation is the most necessary.

Considering the importance of the subject, and the agreement of views between the Consul General, the American Association of China and myself as to the desirability of our [illegible] by maintaining- until conditions have very materially chan[illegible]

honor to
Your obedie[illegible]

a ship of war at Shanghai, I have cabled you today as follows:

"Secstate,

Washington.

January ninth, eleven A.M. The United States Consul at Shanghai, the American Association of China, and myself deem it highly desirable warship remain constantly stationed Shanghai, not off Woosung. Period. Unsettled condition and agitation throughout central China justify extra precautions.

Rockhill."

I also enclose copy of my reply to Mr. Rodgers' despatch.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1. Mr. Rodgers to Mr. Rockhill, December 28th, 1905, enclosing American Association of China to Mr. Rodgers, December 26, 1905.
2. Mr. Rockhill to Mr. Rodgers, January 8, 1906.

Enclosure No. 1 in Despatch No. 189.

Mr. Rodgers to Mr. Rockhill.

Shanghai, December 28, 1905.

Sir:- I have the honor to forward herewith a letter from the American Association of China.

In relation to this matter I beg to state that prior to December 1st the "Baltimore","Elcano", and "Quiros", United States vessels, were at Woosung and Shanghai; on December 18th the "Baltimore" and "Villalobos" were at Chinkiang, the "Elcano" at Wuhu, and the "Quiros" at Kiukiang; the "Baltimore" and "Villalobos" reached Woosung December 20th. These ships will remain here some weeks to come. The "Baltimore" however, being of deep draft cannot reach Shanghai except on favorable tides. If there is necessity for a cruiser off Shanghai, a vessel other than the "Baltimore" should be detailed for the duty, leaving the gunboats for the Yangtse work. It seems to me desirable that there should be such naval representation at Shanghai.

I have the honor to be, Sir,

Your obedient servant,

(Signed) JAS. L. RODGERS.

American Consul General.

No. 144.

Shanghai, December 26, 1900.

Sir:- I have the honor to forward herewith a letter from the American Association of China.

In relation to this matter I beg to state that prior to December 1st the "Baltimore", "Piemonte", and "Ontario", United States vessels, were at Tsingtau and Shanghai; on December 15th the "Baltimore" and "Villalobos" were at Chinkiang, the "Piemonte" at Wuhu, and the "Ontario" at Hankow; the "Baltimore" and "Villalobos" carried Yangtsze pilots. These ships will remain there some weeks to come. The "Baltimore" however, being of too deep draft cannot reach Shanghai except on favorable tides. If there is necessity for a cruiser at Shanghai, I respectfully recommend the "Baltimore" should be detailed for the duty, leaving the gunboats for the Yangtsze work. It seems to me desirable that there should be naval representation at Shanghai.

I have the honor to be, Sir,

Your obedient servant,

(Signed) JAS. H. WILKERSON.

American Consul General.

Sub-Enclosure in Enclosure No. 1, Despatch No. 189.

Mr. Jameson to Mr. Rodgers.

Shanghai, December 26, 1905.

Sir:- In the letter which this Committee had the honor to address to you the 7th of November last, attention was called to the continued unchecked boycott agitation in central and south China and to the dangers to be feared therefrom. That letter you kindly forwarded to our Minister at Peking, and this letter also we ask you to pass on to His Excellency the American Minister.

The uneasiness and the anti-foreign feeling which for many months past have been kept alive and augmented in this community by the continued boycott agitation culminated in Shanghai the morning of Monday, the 18th instant, by a pre-concerted invasion of the Anglo-American settlement by mobs of lawless Chinese bent upon plunder and destruction. Rioting followed in some of the central and most important business streets of the town; any foreigner that was met was mobbed - amongst others the Acting Consul General for Germany and also the American Assessor of the Mixed Court; the town hall was attacked and the Louza police station was sacked and burnt.

To protect life and property the volunteer military force of the settlements had to be called out to aid the police, and parties of armed bluejackets were promptly landed from the British, German and Italian men-of-war in port.

To the presence of these men-of-war in harbor and to their promptness in landing armed forces it is probably due that the loss of life and property has not been greater.

Sub-Enclosure in Enclosure No. 1, Despatch No. 183.

Mr. Jamieson to Mr. Rodgers.

Shanghai, December 26, 1905.

Sir:- In the letter which this Committee had the honor to address to you the 7th of November last, attention was called to the continued unchecked boycott agitation in central and south China and to the dangers to be feared therefrom. That letter you kindly forwarded to our Minister at Peking, and this letter also we ask you to pass on to His Excellency the American Minister.

The uneasiness and the anti-foreign feeling which for many months past have been kept alive and augmented in this community by the continued boycott agitation culminated in Shanghai the morning of Monday, the 18th instant, by a pre-concerted invasion of the Anglo-American settlement by mobs of lawless Chinese bent upon plunder and destruction. Rioting followed in some of the central and most important business streets of the town; any foreigner that was met was mobbed - amongst others the Acting Consul General for Germany and also the American Assessor of the Mixed Court; the town hall was attacked and the Louza police station was sacked and burnt.

To protect life and property the volunteer military force of the settlements had to be called out to aid the police, and parties of armed bluejackets were promptly landed from the British, German and Italian men-of-war in port.

To the presence of these men-of-war in harbor and to their promptness in landing armed forces it is probably due that the loss of life and property has not been greater.

Certainly the 991 American citizens now living in the Anglo-American settlement must gratefully acknowledge the protection afforded to their lives and property by the wise presence in Shanghai of these European ships of war.

That there was no American man-of-war in port at this time of emergency, especially as trouble had been threatening for months, was a disappointment and humiliation to our nationals, and this committee now brings before you and before our Minister at Peking for the consideration of our Government at Washington the importance of having an American man-of-war in this port at all times.

Shanghai as a great seaport, (daily growing greater) is worthy of every regard from a business standpoint only, which is quite enough to warrant our Government in providing its share of the foreign naval force constantly watching the interests of the place; but, the business view aside, there is to be considered the continuously increasing number of American citizens (a large proportion women and children) living in or visiting this port, whose lives and property our Government, we know, is ever anxious to protect.

That danger to foreign life and property in Shanghai may arise easily and quickly from unrestrained Chinese mobs has now again been shown; and it is hoped the suggestion herein urged will have the prompt approval of our Government and that the Americans of Shanghai may feel assured that an American man-of-war will hereafter be at hand in time of need.

A copy of this letter is being sent to the American Asiatic Association in New York.

I have the honor to be, Sir,
Your obedient servant,
(Signed) James A. Jameson,
President, American Association of China

Certainly the 991 American citizens now living in the Anglo-American settlement must gratefully acknowledge the protection afforded to their lives and property by the wise presence in Shanghai of these European ships of war.

That there was no American man-of-war in port at this time of emergency, especially as trouble had been threatening for months, was a disappointment and humiliation to our nationals, and this committee now brings before you and before our Minister at Peking for the consideration of our Government at Washington the importance of having an American man-of-war in this port at all times.

Shanghai as a great seaport, (daily growing greater) is worthy of every regard from a business standpoint only, which is quite enough to warrant our Government in providing its share of the foreign naval force constantly watching the interests of the place; but, the business view aside, there is to be considered the continuously increasing number of American citizens (a large proportion women and children) living in or visiting this port, whose lives and property our Government, we know, is ever anxious to protect.

That danger to foreign life and property in Shanghai may arise easily and quickly from unrestrained Chinese mobs has now again been shown; and it is hoped the suggestion herein urged will have the prompt approval of our Government and that the Americans of Shanghai may feel assured that an American man-of-war will hereafter be at hand in time of need.

A copy of this letter is being sent to the American Asiatic Association in New York.

I have the honor to be, Sir,
Your obedient servant,
(Signed) James A. Jameson,
President, American Association of China.

Enclosure No. 2 in Despatch No. 189.

Mr. Rockhill to Mr. Rodgers.

Peking, January 8, 1906.

S i r :

I have to acknowledge the receipt of your despatch No. 174 of December 28th last, enclosing a letter addressed you by the American Association of China in reference to the necessity of having an American warship constantly stationed at Shanghai. This letter the American Association requested you to forward to me.

I shall be obliged if you will kindly inform the president of the American Association of China that I have received this letter and that I have at once forwarded it to the Secretart of State for his consideration and such action as he may deem necessary. I have, in transmitting this communication to Washington, made suitable recommendations, but I feel sure that even without them the American Government will, in this case as in all others, take every step necessary to insure the perfect safety of all American citizens, persons and property, wherever they may be.

I am enclosing, for your private and confidential information, copy of a telegram this day sent to the Department of state on the subject.

I am, Sir,

Your obedient servant,

Enclosure:

Copy of telegram Mr. Rockhill to the Department of State, January 9, 1906.

Enclosure No. 2 in Despatch No. 187.

Mr. Rockhill to Mr. Rodgers.

Peking, January 8, 1906.

Sir:

I have to acknowledge the receipt of your despatch No. 174 of December 26th last, enclosing a letter addressed you by the American Association of China in reference to the necessity of obtaining an American warship constantly stationed at Shanghai. This letter the American Association requested you to forward to me.

I shall be obliged if you will kindly inform the president of the American Association of China that I have received this letter and that I have at once forwarded it to the Secretary of State for his consideration and such action as he may deem necessary. I have, in transmitting this communication to Washington, made suitable recommendations, but I feel sure that even without them the American Government will, in this case as in all others, take every necessary measure to insure the perfect safety of all American citizens, persons and property, wherever they may be.

I am, moreover, for your private and confidential information, copy of a telegram this day sent the Department of State on the subject.

I am, Sir,

Your obedient servant,

Enclosure:

Copy of telegram Mr. Rockhill to the Department of State, January 8, 1906.

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FEB 24 1906

CHIEF CLERK
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No. 190.

January 8, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Renewal of the American boycott at Foochow and Huchow. Enclosing notes exchanged with the Foreign Office.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 190.
PJ.

January 8, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to enclose herewith copies of two notes which I have recently addressed to the Foreign Office and the Replies thereto, dealing with the renewal of the American boycott at Foochow and Huchow.

I have the honor to be, Sir,
Your obedient servant,

W. W. Rockhill

Enclosures:

1. Mr. Rockhill to the Prince of Ching, December 23, 1905.
2. Prince of Ching to Mr. Rockhill, January 1, 1906.
3. Mr. Rockhill to the Prince of Ching, December 28, 1905.
4. Prince of Ching to Mr. Rockhill, January 1, 1906.

Enclosure No. 1 in Despatch No. 190.

Mr. Rockhill to the Prince of Ch'ing.

Peking, December 23, 1905.

Your Imperial Highness:

I have the honor to bring to the notice of Your Imperial Highness two instances, just reported to me by the American Vice Consul at Hangchow, in which the authorities in Chekiang have been remiss in their duty in that they have failed to enforce the Imperial Edict which forbids the renewal of the anti-American agitation. On Sunday the 3rd of December a mass meeting was held in the city of Hangchow, at which inflammatory speeches were made. Notice of this meeting was circulated several days in advance. I have the honor to enclose a copy of the notice. The American Vice Consul in Charge at Hangchow at once wrote to the local authorities asking that the meeting be forbidden in accordance with the commands of the Imperial Edict, but no reply was made to his request, nor was the meeting forbidden.

The second instance is the posting of anti-American placards in the city of Huchow, which are calculated to create a disturbance of the peace. I enclose copies of two of them. Reports received by the Vice Consul from Huchow inform him that the feeling of the people there toward Americans is becoming hostile.

I have the honor to request, therefore, that Your Imperial Highness will at once instruct the provincial authorities of Chekiang that they must obey the Imperial Orders and prevent the circulation of anti-American literature and the holding of meetings for the promotion of the boycott of American goods

Such negligence on the part of the authorities deserves the severest condemnation, and Your Highness is well aware of the fact that unless the Imperial Government will enforce its

Inclosure No. 1 in Despatch No. [illegible]

Mr. Jordan to the Tsung-li-Yamen.

Peking, December 22, 1905.

Your Imperial Highness:

I have the honor to bring to the notice of Your Imperial Highness the statements, just reported to me by the American Vice Consul at Ningpo, in which the Superintendent of Customs there informs him that during the last days of October the Imperial Edict was in force forbidding the removal of the anti-American agitation. On Sunday the 3rd of December strong feeling was aroused in the city of Ningpo, at which demonstrations were made. Notice of this meeting was circulated several days in advance. I have the honor to enclose a copy of the notice. The American Vice Consul in Charge was advised at once both by the local authorities and by the Superintendent of Customs that the meeting was forbidden in accordance with the orders of the Imperial Edict, but no reply was made to his request, nor was the meeting forbidden.

The second incidence in the agitation of anti-American pictures in the city of Ningpo, which are calculated to create a disturbance or to pass. [illegible] copies of two of them. Reports received by the Vice Consul from Tungpo inform him that the feeling at the people there towards Americans is becoming hostile.

I have the honor to request, therefore, that Your Imperial Highness will at once instruct the provincial authorities at Ningpo that they must stop the Imperial Orders and prevent the circulation of anti-American literature and the holding of meetings for the promotion of the boycott or American goods. Such negligence on the part of the authorities deserves the severest condemnation, and Your Highness is well aware of the fact that unless the Imperial Government will enforce its

orders against this agitation violent outbreaks are liable to occur. I must strongly insist that prompt measures be taken to suppress this movement and that every protection be given to American lives and property in the province of Chekiang, and that American trade be secured against injury by this organized attempt to intimidate buyers.

I avail myself of this occasion to renew to YourImperial Highness the assurance of my highest consideration.

(Signed) W. W. ROCKHILL,

orders against this agitation violent outbreaks are liable to occur. I must strongly insist that prompt measures be taken to suppress this movement and that every protection be given to American lives and property in the province of Chekiang, and that American trade be secured against injury by this organized attempt to intimidate buyers.

I avail myself of this occasion to renew to Your Imperial Highness the assurance of my highest consideration.

(Signed) W. W. ROCKHILL.

Enclosure No. 2 in Despatch No. 190

Prince of Ch'ing to Mr. Rockhill.

Peking, January 1, 1905.

On the 27th of the Eleventh Moon, XXXI Year of Kuanghsu (December 23, 1905) I had the honor to receive Your Excellency despatch, stating that on the 3rd of December a large crowd of people assembled at Hangchow, and speeches were made, exhorting them not to buy American goods, that a protest might be made in this way against the Immigration Treaty, and the language used was very violent; that several days previous to the meeting notices were circulated throughout the city, inviting people to attend, and the American Consul at Hangchow had sent a despatch to the Bureau of Foreign Affairs asking that the meeting be forbidden, but that it had not been forbidden nor had his despatch been answered; that two kinds of placards had been posted on the streets of Huchow also, and that you requested me to issue orders that energetic measures be taken to suppress the movement and to give due protection to the lives and property of Americans in the province of Chekiang.

Upon receipt of the above my Board at once telegraphed instructions to the Governor of Chekiang, and I am now in receipt of his reply, saying: "I have issued orders to the various local officials to give thorough protection and to investigate and forbid the holding of meetings, the making of speeches and the circulation of placards.

As in duty bound I send this despatch to Your Excellency for your Consideration.

A Necessary Despatch.

Enclosure No. 2 in Despatch No. 190

Prince of Ch'ing to Mr. Rockhill.

Peking, January 1, 1903.

On the 27th of the Eleventh Moon, XXXI Year of Kuangsu (December 23, 1905) I had the honor to receive Your Excellency despatch, stating that on the 3rd of December a large crowd of people assembled at Hangchow, and speeches were made, exhorting them not to buy American goods, that a protest might be made in this way against the Immigration Treaty, and the language used was very violent; that several days previous to the meeting notices were circulated throughout the city, inviting people to attend, and the American Consul at Hangchow had sent a despatch to the Bureau of Foreign Affairs asking that the meeting be forbidden, but that it had not been forbidden nor had his despatch been answered; that two kinds of placards had been posted on the streets of Huchow also, and that you requested me to issue orders that energetic measures be taken to suppress the movement and to give due protection to the lives and property of Americans in the province of Chekiang.

Upon receipt of the above My Board at once telegraphed instructions to the Governor of Chekiang, and I am now in receipt of his reply, saying: "I have issued orders to the various local officials to give thorough protection and to investigate and forbid the holding of meetings, the making of speeches and the circulation of placards.

As in duty bound I send this despatch to Your Excellency for your Consideration.

A Necessary Despatch.

Enclosure No. 3, in Despatch No. 190.

Mr. Rockhill to the Prince of Ch'ing.

Peking, December 28, 1905.

Your Imperial Highness:

On the 15th instant I called at the Foreign Office and informed His Excellency Na-t'ung that I had on the preceeding evening received a telegram from the American Consul at Foochow informing me that the Foochow Chamber of Commerce had ordered a renewal of the American boycott to take effect on the 18th of the Chinese Moon (December 14th, 1905). His Excellency then expressed his surprise that the officials there could let such a thing happen, and promised that telegraphic instructions would immediately be sent to them, directing that the movement be stopped at once.

I have the honor to state that I have now received a letter from the Consul at Foochow written the same day that he sent me the above mentioned telegram, and in this letter he has enclosed one of the Chinese proclamations issued by the Chamber of Commerce, a copy of which I have had made and enclose herein. Your Imperial Highness will notice that this proclamation not only calls for a renewal of the boycott on the 14th of December, but also summons all merchants to a mass meeting to be held on the 18th, and threatens to denounce by name in the public press all those merchants who are not present at this meeting.

As His Excellency promised on the 15th to send telegraphic directions for the suppression of this movement I expect to hear from the American Consul that this meeting was not allowed to be held, but I cannot but call Your Highness' attention to this further disregard of our treaty, and ignoring of the

Enclosure No. 3, in Despatch No. 190.

Mr. Rockhill to the Prince of Ch'ing.

Peking, December 28, 1905.

Your Imperial Highness:

On the 15th instant I called at the Foreign Office and informed His Excellency Na-t'ung that I had on the preceding evening received a telegram from the American Consul at Foochow informing me that the Foochow Chamber of Commerce had ordered a renewal of the American boycott to take effect on the 18th of the Chinese Moon (December 14th, 1905). His Excellency then expressed his surprise that the officials there could let such a thing happen, and promised that telegraphic instructions would immediately be sent to them, directing that the movement be stopped at once.

I have the honor to state that I have now received a letter from the Consul at Foochow written the same day that he sent me the above mentioned telegram, and in this letter he has enclosed one of the Chinese proclamations issued by the Chamber of Commerce, a copy of which I have had made and enclose herein. Your Imperial Highness will notice that this proclamation not only calls for a renewal of the boycott on the 14th of December, but also summons all merchants to a mass meeting to be held on the 18th, and threatens to denounce by name in the public press all those merchants who are not present at this meeting.

As His Excellency promised on the 15th to send telegraphic directions for the suppression of this movement I expect to hear from the American Consul that this meeting was not allowed to be held, but I cannot but call Your Highness' attention to this further disregard of our treaty, and ignoring of the

Imperial Commands.

I take this opportunity to renew to Your Imperial Highness the assurance of my highest consideration.

(Sighed) W. W. ROCKHILL.

2.

Imperial Commands.

I take this opportunity to renew to Your Imperial Highness the assurance of my highest consideration.

(Signed) W. W. ROCKHILL.

Enclosure No. 4 in Despatch No. 190.

Prince of Ch'ing to Mr. Rockhill.

Peking, January 1, 1906.

I have the honor to acknowledge the receipt of Your Excellency's note with regard to the renewal of the American boycott ordered by the Foochow Chamber of Commerce. Your Excellency stated in this note that you had received a letter from the American Consul in Foochow enclosing a Chinese proclamation issued by the Chamber of Commerce, and you called my attention to the fact that this proclamation not only called for a renewal of the boycott on December 14th, but also summoned all merchants to a mass meeting which they were compelled by threats to attend. You stated that you expected to hear from the American Consul later that this meeting was not permitted, but in the meantime you could not but call my attention to the further disregard of the treaties and ignoring of the Imperial commands.

With regard to this matter I have the honor to state that immediately after your recent interview at the Foreign Office telegraphis instructions were sent by my Board to the Governor of Fuhkien directing him to use stringent measures to put down the trouble. On December 19th (the day after the time set for the mass meeting) a telegram was received from the above mentioned Governor to the effect that he had already taken measures in accordance with the Imperial Edict; that he had sent a message to the Chamber of Commerce admonishing the members; and that commercial affairs had already re-assumed their normal quiet condition.

It becomes my duty therefore tp send this reply to Your Excellency, and at the same time I desire to wish you the compliments of the season.

Cards enclosed. January first.

Enclosure No. 4 in Despatch No. 190.

Prince of Ch'ing to Mr. Rockhill.

Peking, January 1, 1908.

I have the honor to acknowledge the receipt of Your Excellency's note with regard to the renewal of the American boycott ordered by the Foochow Chamber of Commerce. Your Excellency stated in this note that you had received a letter from the American Consul in Foochow enclosing a Chinese proclamation issued by the Chamber of Commerce, and you called my attention to the fact that this proclamation not only called for a renewal of the boycott on December 14th, but also summoned all merchants to a mass meeting which they were compelled by threats to attend. You stated that you expected to hear from the American Consul later that this meeting was not permitted, but in the meantime you could not but call my attention to the further disregard of the treaties and ignoring of the Imperial commands.

With regard to this matter I have the honor to state that immediately after your recent interview at the Foreign Office telegraphic instructions were sent by my Board to the Governor of Yunnan directing him to use stringent measures to put down the trouble. On December 19th (the day after the time set for the mass meeting) a telegram was received from the above mentioned Governor to the effect that he had already taken measures in accordance with the Imperial Edict; that he had sent a message to the Chamber of Commerce admonishing the members; and that commercial affairs had already re-assumed their normal quiet condition.

It becomes my duty therefore to send this reply to Your Excellency, and at the same time I desire to wish you the compliments of the season.

Cards enclosed. January first.

BUREAU OF APPOINTMENTS
JAN 9 1906
Department of State.

Record Copy sent to
the Act

DEP'T OF STATE
JAN
9
1906
ASST SECRETARY

Navy

RECEIVED
JAN
9
1906
DIPLOMATIC BUR. DEPT. OF STATE

Peking

January 9th, 1906.

Ack Jan 12

Received 9:32 A. M.

Navy Dpt. Jan 9

Secretary of State,

Washington.

January 9th, 11 A. M. The United States Consul General at Shanghai; the American Association of China (and) myself deem it highly desirable war-ship remain constantly stationed Shanghai, not off Woosung. Unsettled condition and agitation throughout central China justify extra precautions.

ROCKHILL.

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JAN 17 1906
FILED

S. H. Q.

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[illegible]
[illegible]

J. & E. Morley and G. W. Morley, Jan. 11 ©

282.

TELEGRAM RECEIVED IN CIPHER

BUREAU OF APPOINTMENTS
JAN 9 1906
Department of State.

ASSISTANT SECRETARY
JAN 9 1906

Communicate this to proper persons.

Peking

January 9th, 1906.

Rec'd. 9:35 A. M.

CHIEF CLERK
JAN
10
1906
DEPARTMENT
OF STATE.

Secretary of State,

Washington.

January 9, 3 P. M. Your telegram of the 29th; Chinese Government are making search for Morley. I shall communicate all information received.

ROCKHILL.

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JAN 18 1906
FILED

Ciphered by ~~the Chief Clerk's Office~~,

C. R. D.

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ASSISTANT SECRETARY.
FEB 20 1906

Copies to Morley family

No. 191. January 10, 1906.

To E. Morley
To W. Morley
Feb. 2/c

CHIEF CLERK
FEB
19
1906
DEPARTMENT
OF STATE.

Mr. Rockhill to the Secretary of State.

Subject:

Reuben Hitchcock Morley. Steps taken to ascertain his whereabouts. Enclosing correspondence with the Foreign Office.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 191.
PJ.

January 10, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to acknowledge the receipt of the Department's telegram of December 29th, 1905, as follows:

"American Minister,
Peking.

Reuben Hitchcock Morley left Peking June first last in company with Dosr German and Leverger, Frenchman for Mongolia. Heard from Dolor(n)nor on Mongolian frontier last heard from in July at Tatan alone except for mandarin servants Leverger having left him to return to Peking. Period. Reports having been robbed money passport and some othervaluables, possibly letter of credit. Period. Subsequently two drafts one in Shanghai one in Colombo on letter of credit have been paid and both pronounced forgeries. Endeavor ascertain Morley's whereabouts.

Root."

I have also to confirm my reply of the 9th instant, as follows:

"Secstate,
Washington.

January ninth, three P.M. Your telegram of the twenty-ninth. Chinese Government are making search for

No. 1754.

January 10, 1906.

Morley. I shall communicate all information received.

Rockhill."

I enclose herewith copies of the correspondence with the Foreign Office relating to the disappearance of the aforesaid Morley, in which you will note that the Foreign Office states that it has already communicated with the Tartar General of Manchuria and the authorities at Jehol and in Mongolia with regard to the matter, as requested, and has directed them to order a careful search and to report as soon as possible.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1. Mr. Rockhill to the Prince of Ch'ing, January 4, '06.
2. Prince of Ch'ing to Mr. Rockhill, January 8, '06.

Encl. No. 1 in Despatch No. 191

Mr. Rockhill to the Prince of Ch'ing.

Peking, January 4th, 1906.

Your Imperial Highness:

I have the honor to inform Your Imperial Highness that an American Citizen, Reuben Hitchcock Morley, left Peking last June for Jehol. On August 4th he was still in Cheng-te Fu, in Jehol, but had been robbed of his passport. Since that date this Legation has heard nothing from him. I am now in receipt of a cablegram from the Department of State asking me to discover if possible his whereabouts and stating that he had been heard from, from Dollonor. Afterwards two drafts had been presented for payment signed with his name, which are pronounced forgeries. It is possible that his letter of credit was stolen at the same time as his passport, but the Legation has not been so informed.

I have the honor to request Your Imperial Highness to direct the authorities in Jehol and Mongolia to make search for him and report his present whereabouts or where he was last seen in Mongolia, that I may be able to reply to the Department.

I trust that Your Highness will have these inquiries made as soon as possible, and that you will inform me promptly of any news that you may receive concerning him.

I avail myself of the occasion to renew to Your Imperial Highness the Assurance of my Highest consideration.

(Signed) W. W. ROCKHILL.

No. 191.

Mr. Rockhill to the Prince of Ch'ing.

Peking, January 4th, 1906.

Your Imperial Highness:

I have the honor to inform Your Imperial Highness that an American citizen, Reuben Hitchcock Worley, left Peking last June for Lhasa. On August 4th he was still in Cheng-tu Fu, in Tsch'uan, but had been robbed of his passports. Since that date this Legation has heard nothing from him. I am now in receipt of a cablegram from the Department of State asking me to discover if possible his whereabouts and stating that he had been heard from, from Dolonor. Afterwards two drafts had been presented for payment signed with his name, which are pronounced forgeries. It is possible that his letter of credit was stolen at the same time as his passport, but the Legation has not been so informed.

I have the honor to request Your Imperial Highness to direct the authorities in Lhasa and Mongolia to make search for him and report his present whereabouts or where he was last seen in Mongolia, that I may be able to reply to the Department.

I trust that Your Highness will have these inquiries made as soon as possible, and that you will inform me promptly of any news that you may receive concerning him.

I avail myself of the occasion to renew to Your Imperial Highness the assurances of my Highest consideration.

(Signed) W. W. ROCKHILL.

Encl. No. 2. in Despatch No. 191

Prince of Ch'ing to Mr. Rockhill.

Peking, January 8, 1906.

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I have the honor to acknowledge the receipt of Your Excellency's note saying that one Reuben Hitchcock Morley left Peking last June for Jehol; that in August he was still at Cheng-te Fu but had been robbed of his passport; that you had just received a telegram from the Department of State directing you to discover if possible his whereabouts, as he had last been heard from in Dollonor, where his passport and other valuable papers had been stolen from him; two drafts had been presented for payment which had been pronounced forgeries; would I therefore direct the authorities in Jehol and Mongolia to make search for him and discover and report his whereabouts, that you might reply to the Department, etc. etc.

In reply I have the honor to state that my Board immediately communicated with the Tartar General of Manchuria and the authorities at Jehol and in Mongolia with regard to the matter as requested, and directed them to order a careful search and report as soon as possible. As soon as any word has been received from the authorities mentioned I will again communicate with Your Excellency; but in the meantime I send you this reply, and avail myself of the opportunity to wish Your Excellency the compliments of the season.

Cards Enclosed.

Twelfth Moon, 14th Day.

Encls. No. 2, to Despatch No. 191

Prince Ch'ing to Mr. Rockhill.

Peking, January 8, 1908.

I have the honor to acknowledge the receipt of Your Excellency's note saying that one Reuben Hitchcock Morley left Peking last June for Jehol; that in August he was still at Cheng-te Fu but had been robbed of his passport; that you had just received a telegram from the Department of State directing you to discover if possible his whereabouts, as he had last been heard from in Dolonor, where his passport and other valuable papers had been stolen from him; two drafts had been presented for payment which had been pronounced forgeries; would I therefore direct the authorities in Jehol and Mongolia to make search for him and discover and report his whereabouts, that you might reply to the Department, etc. etc.

In reply I have the honor to state that my Board immediately communicated with the Tartar General of Manchuria and the authorities at Jehol and in Mongolia with regard to the matter as requested, and directed them to order a careful search and report as soon as possible. As soon as any word has been received from the authorities mentioned I will again communicate with Your Excellency; but in the meantime I send you this reply, and avail myself of the opportunity to wish Your Excellency the compliments of the season.

Cards Enclosed.

Twelfth Moon, 14th Day.

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Secretary of State. FEB 22 1906

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Secretary

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No. 192. January 10, 1906.

CHIEF CLERK FEB 19 1906 DEPARTMENT OF STATE.

Confidential.

Mr. Rockhill to the Secretary of State,

Subject:

Russia's desire to open negotiations with China for the settlement of questions arising from the recent war.

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No. 442 January 10, 1924.

Confidential.

Subject: Possibility of the Secretary of State's

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Russia's desire to open negotiations with China for

the settlement of questions arising from the recent war.

AMERICAN LEGATION,
PEKING, CHINA.

Confidential.
No. 192
RJ.

January 10, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

It is understood here that the Russian Minister at Peking has expressed his Government's desire to open negotiations with the Chinese Government to regulate the relations between the two countries resulting from the new conditions created by the recent war.

I am informed that the Russian proposals comprise among others the following:

(1) Russia will respect Chinese autonomy, and perpetual friendship and goodwill are to be maintained between the two Powers.

(2) When China throws the Manchurian provinces open, all nations shall participate alike in the rights and privileges granted; there shall be neither partiality nor discrimination.

(3) Russia shall receive special privileges in the matter of working mines in Mongolia.

(4) Russia shall enjoy commercial privileges in Chinese Turkestan.

(5) If China shall think of opening Kalgan and Urga to international trade, she will first inform Russia and come to an understanding with her.

(6) Revision of the Treaty of 1881.

(7) Russia to receive the same commercial privileges in the three Eastern Provinces (i.e. Manchuria) as Japan.

Confidential.
No.
Sir.

January 10, 1900.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

Sir:

It is understood here that the Russian Minister at Peking has expressed his Government's desire to open negotiations with the Chinese Government to regulate the relations between the two countries resulting from the new conditions created by the recent war.

I am informed that the Russian proposals comprise among others the following:

(1) Russia will respect Chinese sovereignty and perpetual friendship and amity are to be maintained between the two countries.

(2) When China opens the Manchurian provinces open, all nations shall participate alike in the rights and privileges granted, there shall be neither partiality nor discrimination.

(3) Russia shall receive special privileges in the mining of working mines in Mongolia.

(4) Russia shall enjoy commercial privileges in Chinese territory.

(5) If China shall think of opening Kalgan and Urga to international trade, she will first inform Russia and come to an understanding with her.

(6) Revision of the Treaty of 1881.

(7) Russia to receive the same commercial privileges in the three Eastern Provinces (i.e. Manchuria) as Japan.

(8) All branch railway lines to be constructed in the Hei-lung Chiang (i.e. Amur) Province, of Manchuria, shall be built and operated by Russia and China.

The Chinese Government, in anticipation of Russia insisting on special privileges in Mongolia and Turkestan and for the purpose of defeating such purpose, appears to have decided to open promptly to international trade and residence a number of important localities in these outlying portions of the Empire. The Chinese Government is also taking active steps to increase its military forces in Turkestan (Hsin - ch'iang) and otherwise strengthening its hold on this exposed part of the Empire, in which part it apparently expects Russia's next forward move.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

(8) All branch railway lines to be constructed in the Kwan-tung Chiang (i.e. Amur) Province, of Manchuria shall be built and operated by Russia and China.

The Chinese Government, in anticipation of Russia installing on special privileges in Mongolia and Turkestan and for the purpose of defeating such purpose, appears to have resolved to open promptly to International trade and residence a number of important localities in these outlying portions of the Empire. The Chinese Government is also taking active steps to increase its military forces in Turkestan (Hsin-chiang) and otherwise strengthening its hold on this expanse part of the Empire, in which part it apparently expects Russia's next forward move.

I have the honor to be, Sir,

Your obedient servant,

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No. 193. January 11, 1906.

CHIEF CLERK
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1906
DEPARTMENT
OF STATE.

Mr. Rockhill to the Secretary of State.

Subject:

The anti-American boycott.

Enclosing note to the Foreign Office complaining of statement made in proclamation by the Canton Viceory that the American Government is considering a revision of the laws excluding Chinese laborers from the United States.

AMERICAN LEGATION,
PEKING, CHINA.

No. 193.
RJ.

January 11, 1906.

CHIEF CLERK
FEB
19
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DEPARTMENT
OF STATE.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

In further reference to my despatch No. 164 of December 5th, 1905, [not printed] regarding the steps taken by this Legation to secure the interference of the Foreign Office in the matter of the statements made by the Viceroy of the Two Kuang Provinces to the effect that the United States Government was considering a revision of the exclusion laws, I have the honor to enclose herewith a copy in translation of my note of this date to the Wai-wu Pu, protesting against a similar statement made by the Viceroy in his proclamation of the 10th instant.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:

Mr. Rockhill to the Prince of Ch'ing, January 11, 1906.

Encl. in Des. #193.

Mr. Rockhill to the Prince of Ch'ing.

Peking, January 11, 1906.

Your Imperial Highness:

On December 4th, 1905, I had the honor to address Your Imperial Highness, calling attention to the misleading and mischievous statements of the Viceroy of the Two Kuang Provinces in a despatch to the American Consul General at Canton, to the effect that the American Government had consented to revise the laws prohibiting Chinese coolie immigration. This misrepresentation of the situation he repeated in his proclamation of November 4th, 1905, to which I also called the attention of Your Highness. I am now in receipt of a telegram from the American Consul General at Canton, stating that the Viceroy had issued another proclamation in strong language, prohibiting the posting of placards and the holding of meetings to promote the boycott of American goods, but that he had repeated the statement above referred to, that the matter of the exclusion of laborers was now before both Governments for consideration, and this proclamation had been issued by the Viceroy on January 10th in spite of the fact that on December 29th the Consul General had written to him urging him to give the people to understand that the prohibition of the immigration of Chinese laborers into the United States was not to be removed.

Such a deliberate misrepresentation of the facts by the Viceroy cannot but produce mischief, as Your Imperial Highness must see, and it becomes my duty to protest once more and most emphatically against it. I repeat what I said to your Highness in my despatch of December 4th: that the American Government has never made, nor does it intend to make any such

Encl. No. 1.

[illegible]

[illegible]

Berlin, January 14, 1909.

No. 1.

Sir:

On December 4th, 1908, when the Honorable Secretary of State, calling attention to the Anglo-American misunderstandings of the Viceroy of the Two Sicilies, to the effect that the American Government had consented to revise the prohibiting Order-in-Council, which was then in operation. While disposition existed on my part to report in the premises, prohibiting the posting of placards and the holding of meetings to protest the boycott of Anglo-American goods, but that he had requested the withdrawal of the Ambassador of the United States from London, and the Government for negotiations, and this proclamation was not to be removed.

[illegible]

[illegible]

[illegible]

promise as the Viceroy implies in his Proclamation, to revise the laws prohibiting the immigration of Chinese coolies. Your Highness is well aware that this matter has not been under discussion between our two Governments, nor is it now before our two Governments, as the Viceroy states in his notification to the people of his provinces. I must therefore urge Your Highness to at once require the Viceroy at Canton to correct the false impression which he is making, and from which consequences of the gravest character are likely to flow.

Should any trouble arise through the certain disappointment of the hopes vainly indulged by the laborers of Kuangtung and fostered by the action of the Viceroy, the responsibility for such trouble and all resulting consequences must be borne by the Imperial Government of China.

I avail myself of the occasion to renew to Your Imperial Highness the assurance of my highest consideration.

(Signed) W. W. ROCKHILL.

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I avail myself of the occasion to renew to Your Imperial Highness the assurance of my highest consideration.

(Signed) W. W. ROCKHILL.

TELEGRAM RECEIVED IN CIPHER.

BUREAU OF APPOINTMENTS
JAN 12 1906
Department of State.

Secretary of State.
JAN 12 1906

From Peking

January ~~18th~~, 1906.

Rec'd. 10:34 A. M.

Secretary of State,

Washington.

January 12, 4 P. M. Referring to Conger's despatch 1826, all the Americans here and Tientsin formally complained to me very great delay delivery home mails which are still handled by the French. They request forwarding them directly from Yokohama by the Japanese, and in China by the Chinese. I concur; very desirable.

ROCKHILL.

INDEX BUREAU
JAN 18 1906
FILED

Ciphered by ~~the Chief Clerk's~~ Office,
S. H. Q.

RECEIVED
FEB 20 1906
DIPLOMATIC BUREAU

INDEX BUREAU
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1905
DEPT. OF STATE

ASSISTANT SECRETARY,
FEB 20 1906

No. 194.

January 12, 1906.

CHIEF CLERK
FEB
19
1906
DEPARTMENT
OF STATE.

Mr. Rockhill to the Secretary of State.

Subject:

Forwarding application of First Secretary of the Legation for leave of absence.

INDEX BUREAU
FEB 20 1906
FILED

AMERICAN LEGATION,
PEKING, CHINA.

No. 194 January 12, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to forward herewith the application for leave of absence of the First Secretary of this Legation. I approve this application and recommend that it be granted.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:

Application for leave of absence of J.G.Coolidge, dated January 12, 1906. (under separate cover).

AMERICAN LEGATION,
PEKING, CHINA.

RECEIVED FEB 20 1906 DIPLOMATIC BUR. DEPT. OF STATE.

INDEX BUREAU REC'D FEB 19 1906 DEPT. OF STATE

ASSISTANT SECRETARY, FEB 20 1906 Approved

January 12, 1906.

CHIEF CLERK FEB 19 1906 DEPARTMENT OF STATE.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to apply for leave of absence for sixty days with permission to visit the United States, to be availed of during the year 1906 at such time as may suit the Minister's convenience.

I have not been absent from my post during the past twelve months.

I have the honor to be, Sir,

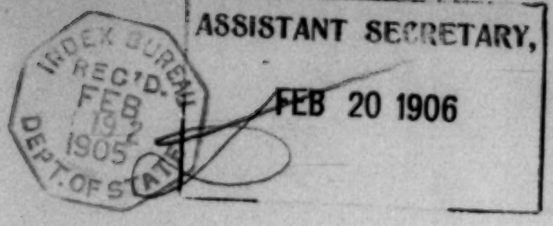
Your obedient servant,

John Gardner Coolidge
Secretary of Legation.

Approved by Mr. Rockhill in despatch No. 194. of January 17.

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Ack. envelope
Dated January
Feb. 24
C.

No. 195.

January 13, 1906.



Mr. Rockhill to the Secretary of State.

Subject:

Recent changes in the personnel of Chinese central and provincial administration.



AMERICAN LEGATION,
PEKING, CHINA.

No. 195.
RJ.

January 13, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to transmit herewith a memorandum on certain recent changes in the personnel of the Chinese central and provincial administration and which affect two officers whose names are frequently mentioned in this Legation's despatches to you, Tuan-fang, who is now on his way to the United States as one of the high commissioners sent abroad to study foreign methods of administration, and Na-t'ung, the present Senior Associate President of the Foreign Office, with whom practically all the business of the Legations is transacted, - the President of the Foreign Office, the Prince of Ch'ing, being in weak health and so burdened with his duties at the Court that he gives little or no attention to foreign affairs, so far, at least, as I can ascertain.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:

Memorandum on recent changes in the personnel of Chinese Administration.

Enclosure in Despatch No. 195.

Recent Changes in the Personnel of Chinese Government.

Memorandum:

On December 28th, 1905, Sung-fan, the Viceroy designate of the two provinces Fukien and Chekiang, capital at Foochow, died at Peking, where he had arrived a short time before on his journey from his former post as Viceroy of Shensi and Kansuh to his new station at Foochow. On January 5th, 1906, the vacancy thus created was filled by the appointment of Tuan-fang, Governor of Hunan, to be Viceroy at Foochow. He is now on his way to the United States, being one of the High Commissioners sent abroad to study foreign methods of administration. He has a son at school in Washington, D.C., which is proof of his progressive disposition. He is one of the ablest men in the service of the State and has well merited his rapid promotion since 1898. The Tartar General at Foochow, Ch'ung-shan, who was acting as Viceroy pending the arrival of Sung-fan, will continue to discharge the duties of the office until the return of Tuan-fang from abroad.

P'ang Hung-shu succeeds to the post of Governor of Hunan. Little is known of him save that he is a native of Kiangsu, and was made Provincial Judge of Hunan in 1903 and more recently promoted to the post of Provincial Treasurer.

On January 7th, 1906, Na-t'ung was made one of the four Grand Secretaries of the Empire, being promoted to fill the vacancy caused by the death of Yu-te. The post is practically a sinecure, but is looked upon as one of the highest honors within the gift of the Court. He had been made an Assistant Grand Secretary some months ago, and the vacancy caused by his advancement has been filled by the appointment of Jungch'ing, the President of the new Board of Education. The latter is a Mongol and a very bright and progressive man.

Na-t'ung is best known as one of the Associate Presidents of the Foreign Office, and the most active and efficient man on that Board. The day after his promotion to the post of Grand Secretary an Imperial Edict appeared, announcing that he would continue to hold the post of Associate President of the Board of Foreign Affairs.

On January 9th an Edict appeared raising Hsu Shih-ch'ang and T'ieh-liang to the Grand Council. The former is a comparatively young man, who came to the fromt two years ago in connection with the Army re-organization. Later he was associated with Professor Jenks in the negotiations for the new currency, and a few months ago was appointed one of the High Commissioners sent abroad to study foreign methods of Government, but owing to the bomb explosion at the station just as the train was starting, he was detained in Peking and made President of the new Board of Police organized at that time, and still holds the post.

T'ieh-liang has also won distinction in connection with the work of re-organizing the Army. He was two years ago sent on a special mission through the Empire to examine the defenses and report upon the efficiency of the provincial forces. Later he was made President of the Board of War, and more recently transferred to the Presidency of the Board of Revenue, which post he still holds.

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TELEGRAM RECEIVED IN CIPHER

RECEIVED STATE JAN 13 1906

Secretary of State. JAN 13 1906

BUREAU OF APPOINTMENTS. JAN 13 1906 Department of State.

From Peking

January 13th, 1906.

Rec'd. 9:26 A. M.

CHIEF CLERK JAN 13 1906 DEPARTMENT OF STATE.

Secretary of State,

Washington.

January 13th, 10 A. M. The United States Consul General at Mukden has requested my instructions about proceeding to his post. Griscom informed me last November, the Government of Japan will probably refuse as long as Mukden military base. Perhaps the Government of Japan might reconsider now the matter. Exequatur was granted by the Chinese Government in February, 1904. He could be very useful at his post of duty.

ROCKHILL.

INDEX BUREAU JAN 24 1906 FILED

Ciphered by ~~the Chief Clerk's Office,~~

C. R. D.

SOLICITOR'S OFFICE,
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1906
DEP'T OF STATE.
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ASSISTANT SECRETARY,
FEB 27 1906

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DEPT. OF STATE

CHIEF CLERK
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28
1906
DEPARTMENT
OF STATE.

No. 196.

January 13, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

The rights of missionaries unconnected with any church or society, to acquire property in the interior of China, under Article XIV of treaty with China of 1903.

INDEX BUREAU
MAR 30 1906
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AMERICAN LEGATION,
PEKING, CHINA

No. 196
RJ.

January 13, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to transmit to you herewith copy of a letter which I addressed on the 9th instant to the Reverend E. O. Boen, a naturalized American citizen now residing at Hsi Hsien in the Province of Ho-nan, where he is preaching the principles of Christianity as a "free lance" missionary, not being connected with any Christian mission or church, the Missionary Society under whose auspices he came to China having severed all connection with him and he having joined no other. He has had many quarrels with the local authorities and the people, and has given much trouble to the American Consul General at Hankow, whose authority he persistently denies and whose advice he will not take.

I shall be greatly indebted to you if you will instruct me as to the rights of such missionaries, belonging to no particular church or missionary society, to acquire property in the interior of China under the provisions of Article XIV of our treaty with China of 1903. This Article guarantees him the right to peacefully teach and practice the principles of Christianity, but it only recognizes the right of "missionary societies of the United States" to rent and to lease in perpetuity, as the property of such societies, buildings or

lands "in all parts of the Empire for Missionary purposes."

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:

Mr. Rockhill to Mr. Boen, January 9, 1906.

Encl. in Des. # 196

Mr. Rockhill to Rev. E. O. Boen.

Peking, January 9, 1906.

Sir:

I have the honor to acknowledge the receipt of your communication dated December 22nd, 1905, inclosing your reply to the complaints made against you by the Honan Foreign Office and others. At your request I return to you herewith the letter addressed to yourself by Mr. Argento.

In reply to your letter it becomes my duty to bring to your notice the provisions of our treaties with China regarding the residence and work of American missionaries in the interior of this Empire.

By Article XIV of the Treaty of 1903, it is provided that

> "Any person, whether citizen of the United States or Chinese convert, who, according to these tenets, peaceably teaches and practices the principles of Christianity shall in no case be interfered with or molested therefor."

By the same Article it is further provided that

> "Missionary Societies of the United States shall be permitted to rent and to lease property in perpetuity, as the property of such societies, buildings or lands in all parts of the Empire, for missionary purposes", etc.

According to the Treaty of 1858, Article XXVIII,

> "If citizens of the United States have special occasion to address any communication to the Chinese local officers of Government, they shall submit the same to their Consul or other officer, to determine if the language be proper and respectful, and the matter just and right, in which event he shall transmit the same to the appropriate authorities for their consideration and action in the premises."

All American citizens in China are subject to the jurisdiction of American Courts, and, as there are but few Consuls in the Empire, American citizens are required to live at certain specified places so as to be within reach of their Con-

suls. By the very liberal provisions quoted above missionaries are excepted from this arrangement, and the special privileges accorded them are granted on the supposition that missionaries are law-abiding and peace-loving people, who will avoid strife and will not require constant interference on their behalf by the Consuls. But by your own showing you have quarreled with your fellow missionaries, with your neighbors, with the local officials at Hsi Hsien and Lo Shan and with the middle-man who secured you a house in Lo Shan. It is impossible to believe that any man who is "peaceably teaching and practicing the principles of Christianity" can have just occasion for quarrel with so many classes of people at the same time. If you are not complying with the conditions under which you are allowed to live and preach in the interior, the Chinese officials have the right to bring you to the Consulate at Hankow for trial, as I wrote in my letter of August 4th, 1905, to the Consul General at Hankow.

I must remind you, too, that, while you are allowed by treaty to teach peaceably the principles of Chirstianity in China, you cannot on that account preach in the streets against the will of the Magistrates. Missionaries should always be in the lead in complying with local ordinances which do not require them to violate their religious convictions.

You will note that the second quotation from the Treaty of 1903, given above, gives the right to rent property only to missionary societies in the United States, not to individuals, but the copy of the lease which you have enclosed to me shows that you have rented in your own name. If you are sent out by any properly incorporated society in the United States you should use its name in all leases, deeds, etc., - otherwise,

if the Chinese authorities were to object to the renting of property in your own name, it is questionable whether your lease could be upheld.

Your account of your dealings with the officials seems to indicate that you have not complied with the provisions of Article XXVIII of the Treaty of 1858, the third quotation given above, which requires you to transact business with the officials through the Consulate.

I fear you do not fully understand the requirement that you should have a passport, to which you make reference. The passport proves to the local officials your right to travel and preach outside of the open ports. It is true that it requests the local officials to give you due protection, as is required by treaty, but that does not mean that they are required to look after your property when you leave your house unguarded, nor that they must make compensation when articles are stolen. Chinese officials have often made such compensation to foreigners to avoid complications which might subject them to the criticism of their superiors, but the Chinese statutes do not require it, and in insisting upon it you have made possible a complaint against yourself.

I regret exceedingly that any circumstances should have arisen to make it seem necessary to the Foreign Office of Honan to take the action which it has taken in this matter, and I sincerely trust that by the efforts of Consul General Martin to secure you due protection in the peaceable discharge of your duties, and by your own efforts to live on good terms with the officials and people of your district, any necessity for further complaint upon your part or upon that of the officials may be entirely avoided.

if the Chinese authorities were to object to the renting of property in your own name, it is questionable whether your lease would be upheld.

Your account of your dealings with the officials seems to indicate that you have not complied with the provisions of Article XXVIII of the Treaty of 1858, the third quotation given above, which requires you to transact business with the officials through the Consulate.

I fear you do not fully understand the requirement that you should have a passport, to which you make reference. The passport proves to the local officials your right to travel and remain outside of the open ports. It is true that it requires the local officials to give you due protection, as is required by treaty, but that does not mean that they are required to look after your property when you leave your house unguarded, nor that they must make compensation when articles are stolen. Chinese officials have often made such compensation to foreigners to avoid complications which might subject them to the criticism of their superiors, but the Chinese statutes do not require it, and in insisting upon it you have made possible a complaint against yourself.

I regret exceedingly that any circumstances should have arisen to make it seem necessary to the Foreign Office at Peking to take the action which it has taken in this matter, and I sincerely trust that by the efforts of Consul General Martin to secure you due protection in the peaceable discharge of your duties, and by your own efforts to live on good terms with the officials and people of your district, any necessity for further complaint upon your part or upon that of the officials may be entirely avoided.

So long as you comply with the requirements of the treaties this Legation will of course do all in its power to safeguard your rights, but I need hardly remind you that for the success of your work the good-will of those about you is indispensable.

I have the honor to be, Sir,

Your obedient servant,

(Signed) W. W. ROCKHILL.

So long as you comply with the requirements of the treaties this Legation will of course do all in its power to safeguard your rights, but I need hardly remind you that for the success of your work the good-will of those about you is indispensable.

I have the honor to be, Sir,

Your obedient servant,

(Signed) W. W. ROCKHILL.

SOLICITOR'S OFFICE,
MAR
8
1906
DEP'T OF STATE.

March 8, 1906.

My dear Mr. Adee:

In reply to your request for an opinion as to the alleged right of American missionaries to acquire in individual, as distinct from society capacity, land in China for missionary purposes, I understand that you wish an opinion based upon the texts of the various treaties with China and the ministerial and departmental interpretations thereof.

The moral question is therefore excluded, and in like manner and for the same reason the desirability of such a claim is separated from the legal basis upon which it can be supported. I have, therefore, discarded these questions and have viewed the matter in the dry light of law.

Viewed solely in this light I am compelled to differ from you in regard to the legal as distinguished from the moral right of missionaries considered as individuals to acquire and hold title to realty in China.

The question is not new and cannot be viewed in the abstract. The right must be sought in the various treaties of our country with China or it must be obtained indirectly by an application of the favored nation clause.

An examination of the treaties shows that this right is legally non-existent; but there is nevertheless an equitable or quasi-legal right based upon custom which is, as you know, the life of the law.

For purposes of this opinion I have examined with care the history of the claim and find that the rights which the American missionaries possess to acquire and hold property for purposes of their mission are legally, and therefore legitimately, based solely upon Article XIV of the Treaty of 1903.

The accompanying Memorandum, prepared with great care, shows the origin and developement of the rights and privileges of American missionaries in partibus infidelium from the treaty of 1858 until the present Treaty of 1903.

It is a question of policy how far we shall go beyond the letter of the treaty, and in matters of policy you are a past-master.

J.B.S.

B CC

SOLICITOR'S OFFICE,
MA
10
1906
DEP'T OF STATE.

DEPARTMENT OF STATE,
WASHINGTON.

ASSISTANT SECRETARY,
MAR 9 1906

March 9, 1906.

Dear Mr. Bacon:

The Solicitor, while showing conclusively that "prior to the Treaty of 1903 x x x no treaty right existed whereby missionaries could legally buy or lease land in the interior of China," states in his letter to Mr. Adee (bottom of first page) "but there is nevertheless an equitable or quasi-legal right based upon custom."

In making any ruling on the right of Americans to buy, lease and hold land in the interior of China the great force of this customary or prescriptive right should not be weakened. The fact is that in practice Foreigners, non-members and well as members of missionary bodies have bought land in hundreds of instances all over the Empire. The Chinese authorities have connived at, acquiesced in and actually ratified so many such transactions that there is great force in the contention often made by foreigners in China that the treaty prohibition against foreigners buying land can be no longer urged by China. These purchases have been made by various railway, mining and other enterprises, by foreign firms in the interior for business purposes, by foreign residents of all nationalities and occupations



for summer homes, and for various other purposes. The favored nation clause in the Treaty between the United States and China provides that Americans shall enjoy the same privileges as subjects of the most favored nation. The permission in fact by China to subjects of other nationalities to buy land in the interior establishes, therefore, a treaty right of Americans to buy land in the interior, and any ruling of this Department on the subject which will be a precedent for future rulings should safeguard this right.

Chas. Denby.

SOLICITOR'S OFFICE.
MAY
15
1906
DEP'T OF STATE.

Washington, D. C.,

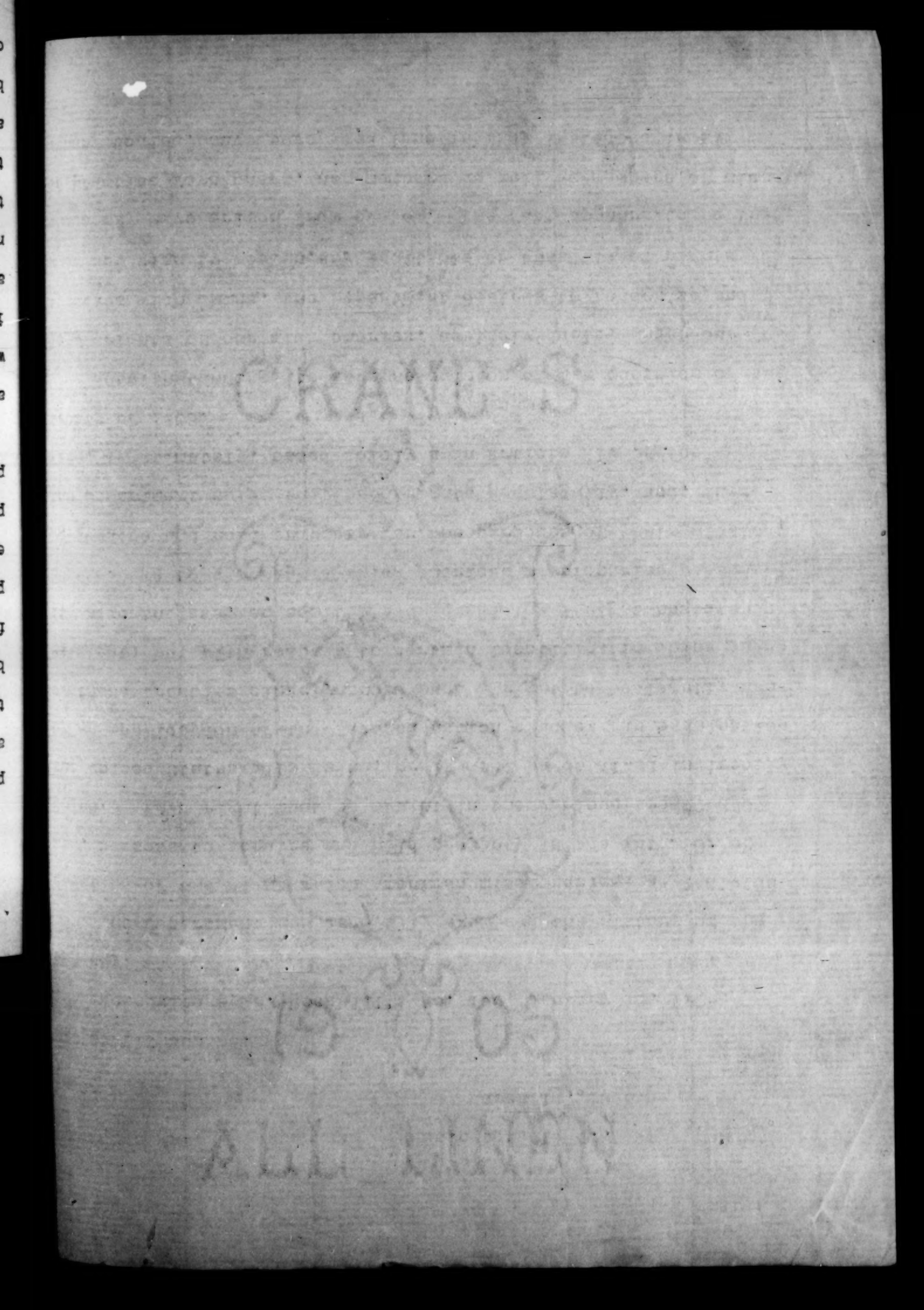
March 14, 1906.

DIPLOMATIC BUREAU:

Acknowledge Mr. Rockhill's No. 196, January 13, 1906, and say:

The Department has carefully examined the history of the question of the right which American missionaries, as individuals, possess to acquire and hold property in the interior of China. This right must be sought in the various treaties of the United States with China, or it must be obtained indirectly by an application of the favored-nation clause. An examination of these treaties clearly shows such a right to be legally non-existent; but with respect to certain localities in China there is, nevertheless, an equitable or quasi-legal right based upon custom. As to the rights which American missionaries possess to acquire and hold property for the purposes of their mission, the Department holds that such rights are legally, and, therefore, legitimately, based solely upon Article XIV of the Treaty of 1903.

Notwithstanding its adverse opinion on the question of the legal rights of our missionaries, as individuals, under our treaties with China, the Department desires to recognize, and does not wish to weaken, any equitable or quasi-legal rights which may have arisen from custom. The fact appears to be that in practice foreigners, non-members as well as members of missionary bodies, have purchased land in many instances in all



parts of China, and that the Chinese authorities have connived at, acquiesced in, and actually ratified so many such transactions that there is great force in the contention often made by foreigners in China, that the treaty prohibition against foreigners buying land can be no longer urged by China. These purchases have been made by various railway, mining, and other enterprises; by foreign firms in the interior, for business purposes; and by foreign residents of all nationalities and occupations, for summer homes and for various other purposes.

In meritorious cases, in which the circumstances were such as to give rise to no objections on other grounds than the unwillingness of China to consent to sales of land to Americans in the interior, this Department would find great force in the argument that inasmuch as China, through her officials, has in numerous instances permitted the subjects of other nationalities to purchase land in certain localities in the interior, this Government may, with good reason, consider such purchases as precedents establishing the right of Americans, whether members or non-members of a missionary body, to make similar purchases.

The Department directs your attention to the memorandum of the Solicitor of the Department accompanying this instruction, which shows the origin and developement of the rights and privileges of American missionaries from the Treaty of 1858 until the present Treaty of 1903.

Copy to Solicitor's memo. RS

J.B.S.

The Assistant Secretary.

1/27 190

Dear Mr Adee

Can we answer
this question?

RB

Second Assistant Secretary's Room.

MEMORANDUM. Feb. 28. 1906.

Dear Prof. Scott:

Collating all the pertinent articles of our existing treaties with China, I find:

1- That American citizens generally (without regard to profession or calling) may rent houses or land upon which to build houses, at any of the open ports. (Treaty of 1858, Art 12).

2. Missionary societies may rent and lease in perpetuity as the property of such societies, building or lands in all parts of the Empire for missionary purposes. (Treaty of 1903, art 14.)

3. Any person, American or Chinese convert, may profess and teach the Christian religion, according to the tenets of the Protestant and Roman Catholic Churches, without molestation, anywhere in China. (Treaty of 1903, Art 14. also Treaty of 1858, Art 29.)

4. All Americans in China, peaceably attending to their affairs, shall enjoy protection for themselves, their dwellings and property. (Treaty of 1858, Art 11.)

5 American citizens are to enjoy all favors of navigation, commerce, political or other intercourse which may be granted to any nation or its citizens. (Treaty of 1858, art 30. As to travel and residence see Treaty of 1868, Art 6.)

I infer

a. Any person, even if not a dependant of a missionary society, may profess and teach the Christian religion anywhere in China.

b. This necessarily implies residence or dwelling wherever such person may lawfully teach.

c. Such residence or dwelling cannot be acquired on better terms than elsewhere specified in the treaties, i.e., by lease.

d. Art. 14 of the Treaty of 1903, does not in my judgment confine the privilege of leasing to missionary Societies; it seems rather to extend to such Societies a privilege necessarily enjoyed by individuals.

e. The favors conferred on other nationals by

treaty would have to be examined in this relation; - they may be more specific than our treaties in regard to individual residence.

On the whole, it would seem that a person who is guaranteed the right to teach anywhere in China must have the right to live there peaceably; that he can't live without some proper shelter or dwelling; & that he and his dwelling are to be protected.

[I add that the provision of 1903, for the leasing of missionary establishments by Societies, was, to the best of my recollection, borrowed from the Franco-Chinese treaty, and was designed to avoid the complications arising from the leases of churches, schools and other mission buildings standing in the name of individuals who were often native Chinese.]

A.H.

CRANES



DEPT OF STATE
1906

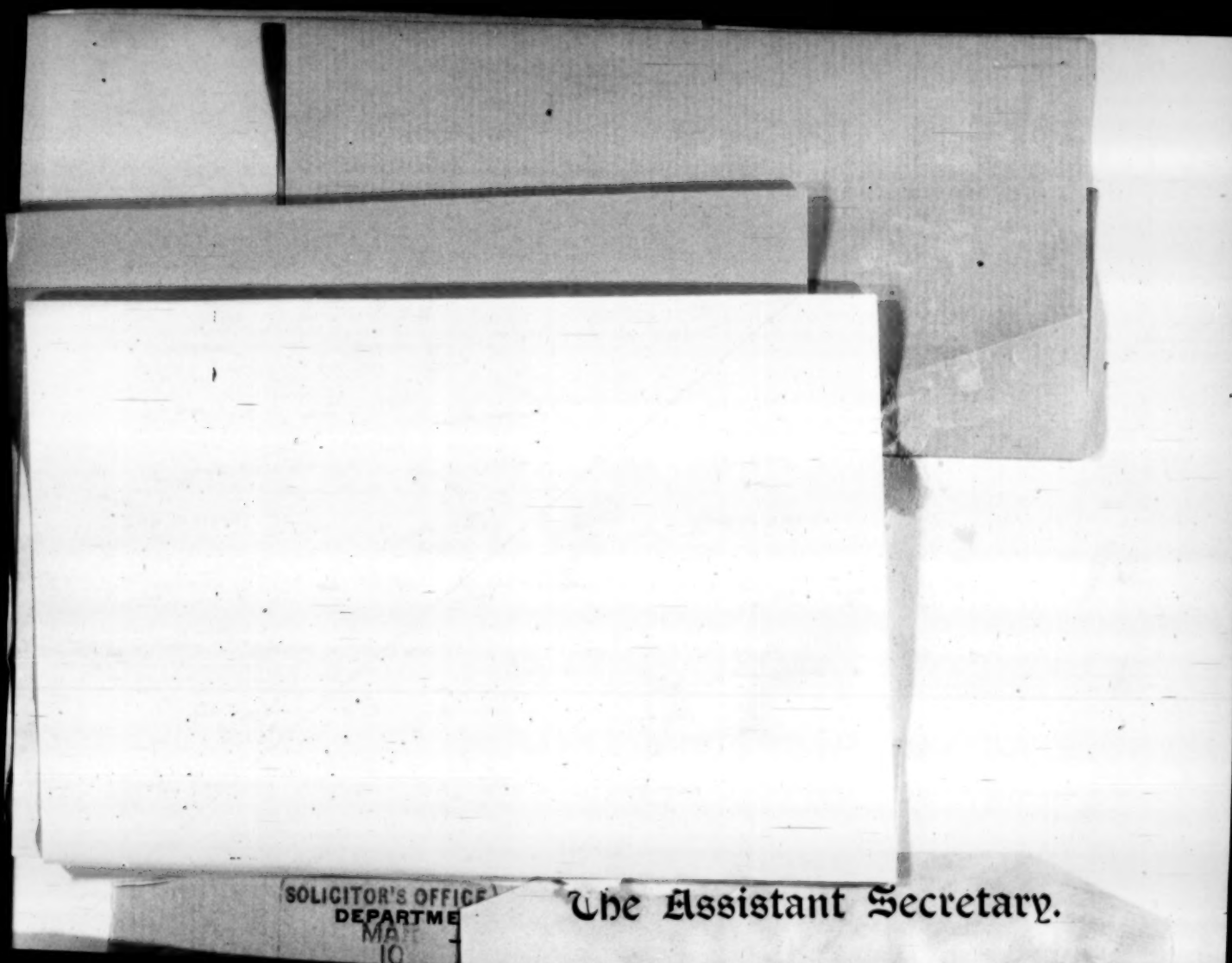
My dear Mr. Bacon:-

I am sending you the opinion and memorandum in the matter of the American missionaries in China, as it has occurred to me that you might care to glance at their contents.

You need only read the opinion and the last two or three paragraphs headed "Conclusions" of the memorandum.

Will you then kindly pass it along to the Secretary

W.J.



The Assistant Secretary.

March 8, 1906, 190 .

Dear Mr. Adee:

Here is a very elaborate opinion from the Solicitor, and it seems convincing to me.

We might have to refer to some parts of it again, in the matter of the right of the Stand Oil Company to own property outside of the limits of treaty ports, the denial of which now causes them a great deal of worry.

These opinions, when they are approved by the Secretary, will be of great value to future generations.

R. B.

SOLICITOR'S OFFICE
DEPARTMENT
MAR
10
DEPT OF STATE.

Second Assistant Secretary's Room.

MEMORANDUM. Mar. 9. 1906

Dear Mr. Bacon:

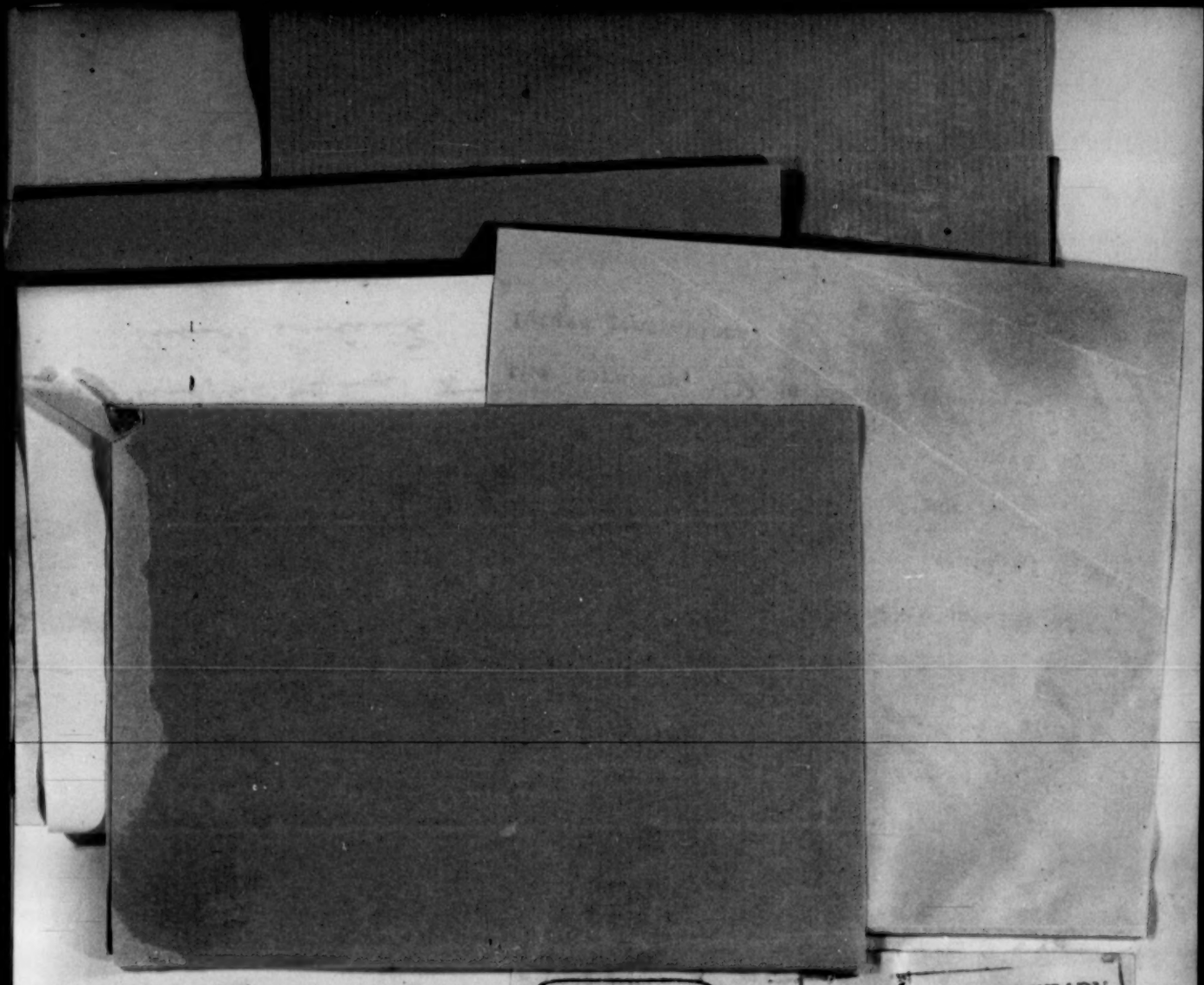
I do not see that much can be added to Minister Avery's opinion, June 1. 1876, as quoted by Prof Scott on pp 11-12 of his report.

That lays the foundation for the claim of right by prescription on which Mr. Denby lays stress.

My purpose in starting this inquiry was to see if Mr. Rockhill was sound in holding that an independent missionary's right to hold land in the interior was controverted, the right really belonging to Missionary Societies, not to individuals.

As in any view Mr. Rockhill's opinion is shewn by Prof Scott's report to be sound, I suggest that a copy of his report be sent to Mr. Rockhill, with an added clause emphasizing the equitable rights based upon custom or prescription, as Mr. Denby suggests. Our treaty of 1903 does not annul the prescriptive equities.

A A Adee



CHIEF CLERK
MAR. 20
1906
DEPARTMENT OF STATE.

ASSISTANT SECRETARY
MAR 19 1906

Dear Mr. Bacon,

Mr. Adee requested an instruction to Mr. Bakhmeteff which should call attention to the so-called equitable or customary rights.

At the same time he suggested that the memorandum be marked for identification.

The result statement for your approval before it is handed to the diplomatic Bureau.

The moral as distinct from the purely legal claim is couched in strong language - perhaps a trifle too strong -

J.B.S.

RECEIVED
FEB 27 1906
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FEB 26
1906
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ASSISTANT SECRETARY,
FEB 26 1906

CHIEF CLERK
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OF STATE.

Same action as in No. 172 R.S.

No. 197.

January 15, 1906.

To Navy Dept. and Com. of Labor, March 6, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Floating Mines. Enclosing copy of Foreign Office note of December 27th, 1905.

INDEX BUREAU
MAR 6 1906
FILED

AMERICAN LEGATION,
PEKING, CHINA.

No. 197.
CJ.

Janiary 15, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

Referring to my No. 172 of December 18th last, with regard to the danger to navigation in the Gulf of Pechili resulting from the presence of floating mines, I have the honor to enclose a translation of a note recently sent by the Foreign Office to the Doyen of the Diplomatic Corps, showing the steps taken by the Chinese Government to remedy this evil.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

(Rom Clinic 197 Jan 15/06)

Encl. in Des. No. 197

Translation of a despatch dated Dec.27, 1905, from Prince of Ch'ing to H.E. the Doyen of the Diplomatic Corps, with regard to capture of floating mines.

Your Excellency:

With regard to the matter of the capture and destruction of floating mines, I had the honor to receive a despatch from Your Excellency on Nov.11th asking if notices of reward could not be published extensively, and measures taken to remove this danger from the sea. Upon the receipt thereof I immediately communicated with the Superintendents of Trade for the North and South, and replied to Your Excellency's despatch as the records show.

I now have the honor to state that I have received the following letter from the Superintendent of Trade for the North:-

"Effective measures should certainly be taken immediately to be rid of these floating mines entirely. Upon receipt of your instructions I at once communicated with Admiral Sa, Commander of the Northern and Southern divisions of the Admiralty directing him to order his subordinates to act in accordance with your instructions, and to publish notices to the effect that two thousand taels would be given as a reward for the capture of one of these floating mines. Subsequently a reply was received from Admiral Sa saying that the ships "Haich'en","Haich'ou", and "Feiying" previously sent to capture and destroy floating mines, had captured several; that he had later sent eleven students and petty artillery officers on eleven merchant vessels armed with one-pounders to make a careful search, and to blow up all mines they met; that in the last few months one of the artillery officers, Chang Ti-lung by name, had destroyed six of them, having been most successful; that upon receipt of my instructions he had sent proper orders to all the boats, and had posted notices of the reward offered, in Chinwangtao, Tengchou, Chefoo, and Jungch'eng; and finally that the students and artillery officers were still to continue their patrol up and down the coast"

Having received this information, it becomes my duty to transmit it to Your Excellency as copied above, for your information.

A necessary despatch.

Kuanghsü XXXI.Year, Twelfth Moon, 2nd Day.
(Dec. 27th 1905) (SEAL)

Encl. to Des. No. 191

Translation of a despatch dated Dec.27, 1905, from Prince of Ch'ing to H.E. the Doyen of the Diplomatic Corps, with regard to capture of floating mines.

Your Excellency:

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Kuanghsü XXXI.Year, Twelfth Moon, 2nd Day.
(Dec. 27th 1905)

(SEAL)

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ASSISTANT SECRETARY,
FEB 27 1906

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No. 198.

January 17, 1906.

CHIEF CLERK
FEB
20
1906
DEPARTMENT
OF STATE.

H. Con. Floor
March 5-06.
B 7 12.

Mr. Rockhill to the Secretary of State.

Subject:

The opening of Chi-nan-fu as a Port of international trade and residence. Enclosing police and land regulations adopted by the Chinese Government for the government of the international settlement.

INDEX BUREAU
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FILED

AMERICAN LEGATION,
PEKING, CHINA.

No. 198.
PJ.

January 17, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

With reference to this Legation's despatches numbered 1609 and 1831, of May 17th, 1904,[a] and March 9th, 1905,[b] respectively, with regard to the opening of Chi-nan-fu to foreign trade, I have the honor to enclose herewith a copy of a note received from the Foreign Office under date of the 2nd instant, transmitting the Regulations concerning the "Leasing of Land and the Building of Houses at the International Settlement of Chi-nan-fu", and the "Police Regulations" for the same port.

The note states that the 16th Day of the Twelfth Moon (January 10th, 1906) has been decided upon as the date for the opening of the port.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1. Prince of Ch'ing to Mr. Rockhill, Jan. 2, 1906.
2. Building and Land Regulations for Chi-nan-fu.
3. Police Regulations for Chi-nan-fu.

a For. Rels. 1904, p. 167

b For. Rels. 1905, p. 161.

Enclosure No. 1 in Despatch No. 198

The Prince of Ch'ing to Mr. Rockhill.

Peking, January 2, 1906.

S i r :

I have the honor to remind Your Excellency that China voluntarily opened a place outside the walls of Chi-nan-fu as a commercial port and announced that Wei-hsien and Chou-ts'un would be opened as branches of this port. The regulations respecting the opening of these places were sent to you by my Board on March 2, 1905, as the records show.

I now have the honor to state that I have received a further communication from the Superintendent of Trade for the North and the Governor of Shantung in the matter. They have made further proposals regarding the said commercial ports and have drawn up Renting and Building Regulations (15 Articles), and Police Regulations (14 Articles) both of which have been read and approved by my Board as experimental rules. The Viceroy and Governor have further reported that they have chosen the 16th Day of the Twelfth Moon, (January 10th, 1906) as the date for the opening of the ports, and that, having had printed copies made of the Renting and Building and Police Regulations, they enclose several for the Board.

It becomes my duty, therefore, to send this despatch to Your Excellency to inform you of the date of the opening of Chi-nan-fu and the branch ports, and I also enclose printed copies of the Regulations for Renting and Building, and the Police Regulations, for Your Excellency's information.

A Necessary Despatch.

(Signed) PRINCE OF CH'ING.

Enclosure No. 2, in Despatch No. 198.

(Translation)

Regulations Concerning the Leasing of Land and the Building of Houses at the International Settlement of Chinan-fu, Shantung.

1. A Memorial respecting the matter having been submitted to the Throne, an Imperial Rescript has sanctioned the opening by China herself of a location outside the West Barrier of Chinan as a port of international trade under conditions entirely different from those according to which certain ports have been opened by treaty; and within the boundaries fixed for said settlement foreign merchants of all nationalities and Chinese merchants are permitted to lease ground and reside together without distinction. The control of all affairs therein shall pertain entirely to China; foreigners must not interfere.

2. The boundaries fixed for the said settlement outside the West Barrier (Hsi-kuan) of Chinan are as follows:

Beginning on the East at Shih-wang-tien and extending to Nan-ta-huai-shu on the West; on the south bounded by the Ch'ang-ch'ing Road, and on the North by the Kiaochow-Chinan Railway, all the territory within said boundaries being set aside for the occupation of Chinese and foreigners as a port of international trade. These boundaries are all marked by stone pillars, erected for the purpose, and all merchants who are moral men and women of means may lease ground and build residences or business houses within these boundaries, provided they comply with the regulations.

3. As to the method of leasing ground, all lands within the boundaries of the international settlement must first have a fair valuation made and price fixed by the local au-

Enclosure No. 2, in Despatch No. 198.

(Translation)

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3. As to the method of leasing ground, all lands within the boundaries of the international settlement must first have a fair valuation made and price fixed by the local au-

thorities and must be purchased by them, after which such lands may be leased. This is done to prevent such evils as holding lands for a rise, and the demand for extortionate prices. Any transfer of lands privately by the people will be considered null and void.

(a) All lands within the international settlement will be plotted and divided into four classes, marked on the plot with the four characters: fu, (福), lu, (祿), shou,(壽) shi, (喜). Lands belonging to the class marked fu (福) will pay an annual rental of $36.00 per mou; those marked lu (祿) an annual rental of $24.00 per mou; those marked shou (壽) an annual rental of $16.00, and those marked shi (喜), an annual rental of $10.00

(b) With the exception of the lands reserved for the Customs, the erection of public offices, the use of various bureaus, markets, public gardens and other public institutions Chinese and foreign merchants may register an application with the Bureau of Works for any lands within the boundaries of the international settlement, stating in their application what piece of what class they desire, and must agree to pay the rental fixed for that class of land, and, as an evidence of good faith, must make a deposit of approximately one-tenth of the rent of the land, after which the Bureau of Works will measure the land leased, and the Chief Administrative Office will notify the Superintendent's (Taot'ai?) yamen. If a foreign merchant should desire to lease land, he ought to make application through the nearest Consular Officer of his nationality, who will communicate with the Superintendent, and thus secure the lease.

(c) After the land shall have been measured and the lease completed, the amount of the bargain money deposited will be

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(a) All lands within the international settlement will be plotted and divided into four classes, marked on the plot with the four characters: Tu, (土), Ju, (地), shou,(收) shi, (售). Lands belonging to the class marked Tu (土) will pay an annual rental of $36.00 per mou; those marked Ju (地) an annual rental of $24.00 per mou; those marked shou (收) an annual rental of $16.00, and those marked shi (售), an annual rental of $10.00

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(c) After the land shall have been measured and the lease completed, the amount of the bargain money deposited will be

deducted from the rent due.

(d) Each land-holder may lease at the most ten mou and ought not to lease less than two mou. If a company is being established, and its business cannot be carried on without a large amount of land, the circumstances must first be reported clearly to the Superintendent, who will investigate and deal with the matter.

(e) In measuring land the official kung (equals 25 Chinese square feet) shall be used, 240 kung being the equivalent of one mou, that is, in the foot of the Board of Works, 6,000 square feet.

(4) The amount of the anhual land rent, reckoned at so much per mou, and the amount of the annual land tax at $2.00 per mou will be collected from the renter at the due date by the Bureau of Works and be forwarded by it to the Superintendent, who will issue stamped receipts. When the lease of a piece of ground has been agreed to, the land rent for the remainder of the year reckoning from the date of the lease, and one years' land tax shall be paid in full, and thereafter the annual rental and the annual land tax shall both be paid uniformly in full in the first moon of the Chinese Calendar. If the land rent and the land tax shall remain unpaid in full for more than a year, the deed of lease for the said piece of ground shall be cancelled, and, if no buildings shall have been erected upon it, it shall become public property. If buildings shall have been erected thereon, they shall be sold at auction, and after deducting from the price received the amount of the rent and taxes due, the balance shall be paid to the original lease-holder. If the lease-holder be a foreigner, action in the matter shall be taken in conjunction with the consular authorities of his nationality.

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5. When land has been leased the Superintendent shall seal and issue a deed of lease, which shall be forwarded through the Bureau of Works to the lease-holder. If he be a foreigner, the Superintendent may also give notice through a despatch to the nearest Consular Officer of his nationality that a record of the same may be made.

(a) If a deed of lease be injured or lost, it will be necessary to make a clear report of the circumstances, and obtain reliable security, as well as to publish a notice in the press, and only after a lapse of three months may the deed be replaced.

(b) If a lease-holder should desire to transfer his lease, he will be permitted to transfer only the whole plot; the deed cannot be divided.

(c) If the receiver of a transferred lease be a foreigner the only proper method of procedure will be for his Consul to send notice.

(d) If the transferee be a Chinese, the original lease-holder must accompany him to the Board of Works where both shall sign a petition (for transfer) and give up the old deed of lease for a new one.

(e) The period for which a transferred lease shall be written shall be reckoned from the date of transfer and terminate in accordance with the provisions of Article 6.

(f) If a lease-holder, being a foreigner, shall return to his own country, or if any other unforseen circumstances should arise, it will be necessary for his heirs or his agent to give notice thereof, and also to have a record of the same made at the Consulate.

(g) If a lease-holder shall mortgage his lease-hold and

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(g) If a lease-holder shall mortgage his lease-hold and

the property erected thereon, no matter whether to a Chinese or foreigner, he must report the same to the Bureau of Works for registry. If he be a foreigner, action must be taken in conjunction with his Consul who shall witness (the mortgage) by his signature.

(h) Within three years after the granting of a lease for a piece of ground, buildings must be erected thereon. If within the time specified no buildings shall have been erected and the lease-holder be a person of no property, his deed of lease may be cancelled and the land become public property, and the land rent and taxes already paid shall not be refunded If buildings are being erected and have not been completed, an extension of time may be granted after consideration of the case, and the lease-holder shall be required to complete the buildings within the additional time allowed.

6. The deed of lease shall be given for a period of thirty years, at the expiration of which time the lease may be renewed for not more than thirty years additional. But at the time of renewal, if trade shall be in a prosperous condition it will be allowable to investigate the circumstances, and increase the rental. If the lease be not renewed at the expiration of the period mentioned, the deed of lease for the said property shall be cancelled, and the property become public.

If at the expiration of sixty years, the Imperial Government should desire to purchase back the property within the boundaries of the international settlement, it may request arbitrators to fix a fair valuation for the whole, at which price it may be bought back, and no person of whatever nationality may make objection thereto. If the Government should not desire to repurchase, arrangements may be made for continuing the lease.

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7, It will not be permitted within the boundaries of the international settlement to build any thatched houses or any cheap frame houses, lest fires should break out and injure other buildings. Anyone desiring to build must first present a petition to that effect to the Bureau of Works and notify the police authorities, and only after they shall have conferred together and given their consent may the work of building commence. No gunpowder nor any other explosive dangerous to life and property nor any substance injurious to the health of the community may be stored, carried secretly, manufactured, or shipped. Any disobedience, upon its discovery, will be punished according to the laws of the country concerned.

(a) Lease-holders will be permitted to build at their pleasure storied buildings or one-storied godowns, except that they must send the plans of such buildings to the Bureau of Works for inspection to determine whether or not they may be of such a character as to prejudice the general welfare and whether the materials are of sufficient strength. Should they be objectionable in regard to the matters mentioned, the Bureau of Works will consider and require such changes as may be necessary, and the lease-holder must comply.

(b) When the lease-holder submits the plan of his building the Bureau of Works must give it prompt consideration so that the work may be begun.

(c) After work has been commended the Bureau of Works will depute some one from time to time to visit the place where the work is being done to inspect it, and, if anything is found to be unsatisfactory, there should be mutual consultation to secure an amicable adjustment.

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(d) When a lease-holder is building a house, the earth required for filling in the foundation must be brought from a distance; he must not obtain it by making excavations within the limits of the settlement.

(e) Any-one building a new house within the limits of the settlement, or remodelling an old one, must first construct drains to carry off foul water, one or more as may be necessary, and such drains must connect with those constructed by the Bureau of Works, so that the accumulations of water may be drained off.

(f) As to the method of building the drain, the materials of which it is to be constructed, its size, the distance below the surface of the ground at which it will be laid, and the grade, as well as how it shall be connected with the lagge drain, the lease-holder must comply in every respect with the orders of the Bureau of Works.

(g) The Bureau of Works may from time to time establish regulations with regard to the safety of buildings, the cleaning of drains, and the prompt removal of offensive garbage from any premises, and every lease-holder must comply therewith so as to preserve good health.

(h) Any lease-holder who undertakes any work of repair or construction requiring the disturbance of the soil or affecting the public interest must first obtain a permit from the Bureau of Public Works.

(i) If it should be necessary to use gunpowder or other explosive in the work to be done, it will be necessary first to lay the matter before the superintendent and request his instructions. In the case af a foreigner he must make application through his hearest Consular officer, who will send a

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despatch to the Superintendent. The latter will notify the Chief Administrative Office of the international settlement, when only permission may be given, on condition that a safe place be selected to store the explosive and that it be speedily used. No one will be allowed to keep such explosives or employ them at his pleasure, or to make a long delay in using them. Should there be any disobedience the Superintendent will appoint an officer, due notice being given to any consul concerned, to destroy the said explosives or to remove them to a place outside the settlement, so as to preserve the safety of the settlement.

(j) As kerosene is a very inflammable article, it must be treated according to the regulations generally adopted at all ports. No one will be permitted to store it at his own pleasure.

8. As merchants of various nationalities will reside in the international settlement, the Chinese local authorities must give them due protection according to the treaties.

With respect to public works and police matters, the Superintendent will consult with the Chief Administrative Office of the Settlement and establish a Bureau which will appoint officers to take charge of them.

As to the regulations with regard to the establishment of Customs, the Superintendent will at a future date investigate the conditions, and, as occasion may require, will consult with the Commissioner of customs and deal with the matter. For the construction of roads, the support of police, the lighting, sweeping and sprinkling of streets, the construction of sewers, China will at firstappropriate the money herself; but fees forlicenses, the police tax, house tax, shop tax,

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hong tax, and vehicle tax, are all such taxes as ought to be collected in international settlements, and although for the time being on the first opening of the port they will not be collected, the Superintendent and the Chief Administrative Office of the settlement will hereafter as occasion may arise take the matter into consideration and deal with it.

9. If any (public) work of a special character should be undertaken in the international settlement or a public garden should be made, the cost of the same must be levied pro rata on the lease holders. All (such) matters shall be dealt with by three parties acting in conjunction: (1) The Superintendent and the Chief Administrative Office; (2) the Consuls of the various powers, and (3) one Chinese and one foreign representative chosen by the lease holders.

10. A port of international trade having been opened outside the city of Chinan, within the boundaries of said settlement foreign merchants may pass to and fro as they please, bring their families and reside and do business there, but all places inside or outside the city, including such as are adjacent to the settlement, must be considered as under the Inland Regulations, so that a clear distinction may be made. If in the future the trade of the place should become so flourishing that the limits of the settlement should be too confined for the purposes of trade and residence, an investigation of the facts may be made, and the matter of extending the settlement be taken into consideration.

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11. In the future a convenient place near the settlement will be selected for the establishment of a foreign cemetery in which foreign residents may bury their dead. Chinese officials must make earnest efforts to have all Chinese graves

within the boundaries of the settlement removed, but, if this should really be difficult, the Bureau of Works may investigate the facts and may permit the family concerned to build a wall around them and cut them off, but no more burials must be made in such plots. Should foreigners in their excavations in the settlement for the construction of foundations or drains happen upon human bones, they should at once report to the Bureau of Works, which will take steps to have them properly buried. They must not be lightly thrown away.

12. The postal and telegraph services are under the jurisdiction of China, and such services within the international settlement must be established by China; no other country may establish them. This is to be clearly understood. As to telephones, electric lighting, water works, etc. Chinese merchants will be invited to undertake them; foreigners must not interest themselves in them.

13. The two branch ports, Wei Hsien and Chou Ts'un will also be administered according to these regulations, and all matters pertaining to them will be under the jurisdiction of Chinan.

14. The above regulations and the separate regulations adopted for the control of police affairs, although put into operation experimentally for the time being, must all be subscribed to by all persons who desire to lease land, in token of their willingness to comply with the same, and without this no lease may be granted.

15. Matters of subordinate importance and such as are not referred to in these regulations may be dealt with from time to time by the addition of new regulations or the amendment of these.

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Enclosure No. 3 in Despatch No. 198.

(Translation)

Police Regulations for the Port of Chinanfu.

I. In the commercial Port west of Chinanfu, outside the walls of the City, there shall be established a Bureau of Police for the protection of merchants and other citizens and their affairs. It shall be under the joint direction of the Superintendent and the General Managing Board of the Port. (Same as Chief Administrative Office in foregoing Regulations)

II. There shall be one Chief of Police at the head of this Bureau. If he does not thoroughly and conscientiously perform his duties, or if in the performance thereof he deserves special praise or condemnation, it shall be the duty of the General Managing Board and the Superintendent to jointly consider and deal with the matter.

III. The Bureau of Police shall establish a Hall for Deliberation, and a Jail.

IV. The Superintendent and the General Board shall decide upon the number of policemen to be employed and shall select and appoint them. The Bureau of Police shall petition for permission to deal with all matters relating to the matter of patroling and making arrests; the clothes to be worn by the policemen, and the weapons to be carried; also the monthly remuneration for them in the form of money and food; and later on all matters relating to promotion, degradation, and dismissal. The above mentioned policemen, when once employed by the Bureau of Police, shall always respectfully act in accordance with the directions of the Chief in all matters relating to the day and night turn of duty, the search for and arrest of bandits, the prohibition of gambling,

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(Translation)

Police Regulations for the Port of Chinanfu.

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fighting, speeding horses, firing guns, raising a hubbub on the streets, throwing bricks, stones or other missels without cause, etc. etc., and the disobedience of the regulations for wheeled vehicles. If anything out of the ordinary is met with, the policeman should report it at once to the Bureau that it may be investigated. All policemmen must live and take their meals at the Station. They will not be allowed to live or take their meals elsewhere, to go away any time they please, to take bribes, to make arrests or release people on their own authority, to buy things by force, to extort money, or to use their position to impose upon people. If perchance anyone disobeys this rule, or if anyone is accused by a merchant or other citizen of having done so, the Chief of Police shall make a thorough investigation of the case and punish the offender to the full extent of the law. Furthermore, everyone in the employ of the Bureau of Police, including the Chief, the assistants, the policemen, and runners, shall be allowed to do nothing but attend to his own particular share of the public business; he shall not be permitted, either, to go into any kind of business enterprise.

(b) When any new regulations shall have been issued which people have not been able to become thoroughly acquainted with, it shall be the duty of the police to make it known to the people in plain words, - they must not act forcibly.

(c) Policemen shall enforce all prohibitions which are necessary, and if there are some places where the regulations are not complete, it shall be the duty of the Chief to weigh the conditions and instruct his men as soon as possible.

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V. The fundamental reason for the establishment of a police department is to protect the port and keep the peace, and any Chinese or foreign merchant who does not observe in any particular the regulations which it is necessary to make, will, upon discovery by the police, be reported immediately to the Bureau, and his case will be investigated and dealt with. When an officer of police is deputed by his superior to make an inquiry into any matter, no one is permitted to disregard him or obstruct his work.

(b) It shall be necessary to obtain permits to open any Chinese inn, saloon, restaurant, theater, (large or small), tobacco or tea shop; and policemen on duty must be allowed to enter such places at any time to see that none of the regulations of the port are being broken.

(c) If there be any smelting or refining plants erected, or any candle or soap factories, (in fact any industry established which should be forbidden or restricted as to the size, etc) or if anything be started which is detrimental or dangerous to the life or energies of man, whether it be owned by a Chinese or a foreigner, it shall be the duty of the police to make a detailed investigation of the matter and report to the Bureau of Police, that the proper prohibitions or restrictions may be made. Then if these are disobeyed, the offender will both be punished by such a fine as is imposed at the various other ports, and will also be allowed a certain number of days in which to leave the concession.

(d) Policemen may at any time arrest persons for any of the following offenses: Murder, house-breaking, plundering, wounding a man with a knife or other deadly weapon, rape, blocking the road by night, cutting purses (picking pockets)

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by night or day, counterfeiting coins, deceiving or defrauding people under a false name, etc. etc. If while in the act of arresting a criminal the offender escapes by entering and concealing himself in someone's house, the policeman may enter the house in pursuit. If the door is locked, the policeman, on stating the case clearly may enter the door and arrest his man, but this only holds in important cases, and extra care must be taken in the exercise of the privilege. If the matter is not an important one it should be reported to the Bureau for action. If a policeman hears fighting going on behind closed doors and fears that it is a matter which concerns life and death, he may break down the door and enter. If a thief forces open a door, and after entering closes it tight again so that the policeman has no means of entry, then also may the policeman break down the door and enter. If a policeman sees a man of suspicious appearance and movements, who looks as though he were about to commit some evil deed or had already committed one, he may place him under arrest. Policemen shall at once arrest any violently intoxicated people, armed disturbers of the peace, bearers of burglar's tools or concealed fire-arms, knives, etc. If a policeman meet a man in the night who has (evidently) committed some crime, he shall arrest the man at once. Also, if a man be going along carrying a bundle, the policeman shall ask him what is in the bundle, where he came from, and where he is going; if evasive answers are given to these questions he shall be arrested. This does not apply to the day-time, however. If perchance the bearer of a bundle has been guilty of a previous crime, ~~to~~ then the same action may be taken in his case. If anyone go up to a policeman and say that he suspects so-and-so to be

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guilty of a certain crime, then the policeman must go with the informer to the Police Station to make a clear statement of the case, after which the policeman may place the suspected man under arrest.

(e) Policemen shall arrest anyone they see defacing or otherwise damaging the street signs, numbers on the houses, street lamps or lamp posts; also anyone putting out the lights at night without authority, tearing down "for rent" signs on houses or lands; defacing or maltreating doors, walls, balustrades, trees along the streets, or paving stones; they shall also arrest burden bearers whom they may see stealing or extracting things from their loads.

(f) If there are any houses being torn down, or any new ones being built, or if there are any pitfalls in the road or any obstruction to traffic, the police must report the matter at once to the Bureau for action.

(g) All stores or shops having signs, awnings, etc., must hang them at such a height that the traffic of the street will not be obstructed, i.e.: so that they will not interfere with a man walking. Anyone disregarding this provision will be reported by the police to the Bureau for action in the matter.

(h) Chair-bearers, water-carriers, and burden-bearers must keep in the middle of the street. Carriages, carts, rickshas, etc., must keep to the left. No old, infirm, filthy or diseased carters (or ricksha men) will be allowed. It shall be forbidden to overload carts or to use dilapidated vehicles, to stop them so as to block the street, or to drive them at night without a lantern; also to try unbroken horses or to put a sick horse in harness. The police shall arrest all those who disregard this rule and send them to the station to be dealt with.

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(i) Families who keep dogs must hang a wooden tag on the necks of the dogs, upon which is clearly written the name and residence of the owner. All domestic animals seen running at large without a keeper will be caught and sent to the station, and will be kept there until the owner comes to claim his property.

(j) The refuse matter of each store and residence within the port shall be gathered together every night between the hours of 11:00 P.M. and 6:00 A.M., and placed in front of the door of the house, where it can be conveniently taken by a special scavenger, who will cart it away and dump it in a place pointed out for that purpose. Except between these hours it will not be permissable to throw or deposit any refuse matterin the streets.

(k) Large and small privies will be built, and no one will be allowed to commit a nuisance on the streets or alleys.

VI. The Bureau of Police shall establish a court room for hearing and deciding cases. It shall be under the jurisdiction of a special deputy appointed by the Superintendent. All minor cases that come up within the limits of the port, such as fights, petty thefts, disobedience of the rules of the port, etc., shall be tried by the above mentioned deputy. Chinese who have not conformed to the rules of the port will be fined and dealt with by him also. In the case of foreigners whose governments have no treaty with China, it will be the duty of the deputy to deal with them the same as with Chinese. Cases concerning indebtedness, civil suits, etc., also very important cases, such as involve kidnapping or loss of life for instance, shall all be referred to the District Magistrate of Li-ch'eng Hsien for trial. If a foreigner

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bring a suit against a Chinaman, the local Chinese officials shall try the case, but if a Chinaman brings suit against a foreigner then the Consul for the foreigner's country must be asked ~~the~~ to try the case. If the prosecutor is a foreigner an official of his country may go to the court and act as assessor. If the assessor thinks the case was not carried on satisfactorily he may discuss and debate the matter thoroughly in all its details with the judge, that there may be no favoritism shown on either side, but as to the decision of the case this rests with the judge alone. Foreigners whose governments have no treaties with China and who consequently have no consuls to protect them, will, if they have broken the laws or been sued, be judged by the proper local officials.

(b) A detailed monthly report of the business of the court shall be given to the Superintendent for his examination

(c) At the end of each month the investigations, decisions and sentences of the court, together with the reasons for the action taken in all cases dealt with during the month, shall be copied out and hung before the door for the general information of the public.

(d) The officials of Lich'eng Hsien shall copy out a memorandum of all the cases dealt with by them in connection with the commercial port, including what action was taken. This to be a monthly report to be sent to the Bureau of Police where it will be hung up.

(e) If the local authorities wish to arrest anyone within the limits of the port, they must ask the Bureau of Police to send one or more of its own men to assist in the arrest. Like wise, if the Bureau of Police wishes to arrest anyone outside

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(f) When actually in pursuit of a criminal, however, no matter whether he is escaping from outside into the limits of the port or vice versa the pursuers need not stop at the boundary, but may continue the pursuit. But persons arrested outside the settlement must be turned over to the local officials for keeping, and those arrested inside the settlement must be turned over to the Bureau of Police. Afterwards it will be decided whether the prisoner's offense is heavy or light, and whether the local officials or the Court shall have charge of his trial and punishment.

VII. When it is desired to summon a foreigner to court the Chief of Police shall communicate with the foreigner's Consul who will issue a summons to bring the man to Court. When it is desired to summon a foreigner who has no Consul, or a Chinese merchant who has overstepped the law, the Bureau of Police may issue the summons. If a reputable citizen of means points out a man as a transgressor of the law, the police shall arrest him at once, even without summons a warrant. Likewise, if a policeman sees a criminal act committed, or knows a man to have committed one, he shall arrest him at once even without a warrant, and send him to the station where his case may be enquired into. This is done to prevent men from dodging afound and secretly making their escape. Suspicious characters and men carrying forbidden articles concealed on their persons will be arrested and dealt with as is done in other ports. If upon investigation a man's offense is found to be light, and he wishes to be admitted to bail, the bureau may consider the matter and release the man temporarily; then, if he presents himself at the court at the time of trial, the amount of the bail shall be refunded to him, but if not, then the amount of his bail shall revert to the

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state as a fine. If a man who could be admitted to bail finds that he cannot furnish the money at the time, he may be allowed to ask someone to guarantee him, but the guarantor must leave a written statement for reference.

(b) Anyone who has been arrested by the police must be sent to the court room for trial within twenty-four hours from the time of his arrest. If for any reason this cannot be done, the limit may be extended a little, but the reason for the extension must be clearly stated; the police may not arbitrarily prolong the detention.

(c) Policemen shall not ill-treat prisoners in any way while under arrest before trial. Disobedience will be severely punished.

(d) Policemen are altogether prohibited from illicitly beating, confining, or discharging prisoners. Offenders of this rule will be severely punished.

(e) When a man is arrested by the police he should be searched, to see that he carries no forbidden articles on his person, and care should be taken to guard against his throwing any such articles away. If anything of the kind should be found on him, it should be taken away. Whatever a man says at the time of the arrest, and whatever he has on his person, should be carefully noted. When two men together have committed any crime they shall not, at the time of their arrest, or when being sent to the station, be allowed to have any private conversation with each other.

(f) Anyone who resists an officer or attempts to rescue an arrested man, shall be liable to arrest, and the same applies to anyone who interferes with an officer in the performance of his duty. If anyone draws a weapon in a quarrel

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he shall be arrested immediately, and the weapon shall be brought in as evidence at the trial.

VIII. If any foreign Consul wishes to arrest one of his nationals he may, whether the man be on a boat or on land, write and request the Chief of Police to send officers to his assistance. When the said officers have made the arrest, the Chief of Police shall act as shown in Article VII. If the Superintendent has occasion to make a similar request of the Consul, he shall also act in the same manner.

IX. If a fire should break out unexpectedly anywhere in the settlement, policemen shall immediately be sent to the scene to afford protection and arrest thieves. Officers appointed on such duty cannot leave their posts of their own accord.

(b) If a policeman on duty sees a fire start within his district, he shall do all in his power toward rendering assistance; he should first raise the people in the house and ascertain the size of the fire; if he can put it out himself he need not send in the alarm to the Station; but if the fire cannot easily be put out, then the people in the house or the policeman should immediately report the matter to the Bureau.

(c) In cases of large fires not easily put out, the policemen on the scene shall render all the assistance in their power in the interval before the arrival of the men from the Station. If it is a store or an inn that is burning they should immediately devote all their energies toward saving life and property; if it is a dwelling house, they should first save life, but they shall not on any account let any evil-doers enter the house. If the fire has not penetrated the roof, the people inside and out should be told that they

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must not lightly open up the walls, doors, windows, etc., for if the air be once allowed to get through the fire will increase rapidly.

X. The Bureau of Police shall keep a classified register of all its work. For convenience of reference, the following points shall be clearly entered in the register: the year, month, day, and hour of each case; the name of the man; his nationality; and the nature of the offense. Also the nationality of the informant or prosecutor, and the nature of the accusation; and finally, the disposition of the case. If any officials or reputable citizens of means come to the Bureau and request to see this register, permission shall always be given.

XI. Daily food and drink shall be furnished for all prisoners by the Bureau of Police. All officials and reputable citizens of means shall be allowed to visit and inspect the jail.

XII. The necessary monthly expenses of the Bureau of Police will be sent by the Superintendent to the General Managing Board, who will forward it to the Chief of Police for distribution. The Chief of Police shall make out a payroll and send it to the General Managing Board for their inspection after which it will be sent to the Superintendent for his examination and record. A statement of the amount of fines collected each month shall also be sent to the Superintendent and a list of the same shall be hung out in front of the office for the information of the General public.

XIII. A Bureau of Police shall be established at Wei-hsien and Chou-ts'un, whose petty officers and policemen shall be appointed by, and under the direction of the Chinan Bureau of Police.

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XIV. The above regulations are for experimental operation; alterations therein may be made at any time.

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ASSISTANT SECRETARY, FEB 26 1906

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CHIEF CLERK FEB 26 1906 DEPARTMENT OF STATE.

No. 199.

January 18, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Forwarding application of Assistant Chinese Secretary of the Legation for leave of absence for sixty days during 1906, with permission to visit the United States.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 199. January 18, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to forward herewith the application for leave of absence of the Assistant Chinese Secretary of this Legation. I approve this application and recommend that it be granted.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:

Application for leave of absence of Thomas W. Haskins, dated January 18, 1906. (Under separate cover).

AMERICAN LEGATION,
PEKING, CHINA.

Ans Mar. 1

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January 18, 1906.

CHIEF CLERK
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DEPARTMENT OF STATE.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to apply for leave of absence for sixty days, with permission to visit the United States, to be availed of during the year 1906 at the convenience of the Minister.

I have not been absent from my post during the past twelve months.

I have the honor to be,

Your obedient servant,

Thos. W. Haskins

Assistant Chinese Secretary.

Approved in Minister Rockhill's No 194 of this date

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Ans. Mch. 21, 1906

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No. 200

January 18, 1906.

CHIEF CLERK
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26
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OF STATE.

Mr. Rockhill to the Secretary of State.

Subject:

The new Chinese Mining Regulations.

Prince Ch'ing's reply of January 10th to Mr. Rockhill's protest of December 23rd against the enforcement of the provisions of Regulation VII.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 200
PJ.

January 18, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

With reference to my No. 177 of December 23rd,* transmitting a copy of the "New Chinese Mining Regulations" together with my protest to the Foreign Office against the enforcement of the provisions of Regulation VII, I have the honor to enclose herewith a copy of Prince Ch'ing's reply to the above protest.

The reply states that the Regulation in question was made to prevent people from making such private sales among themselves as would lead to fraudulent practice, and that it in no way conflicts with the Commercial Treaty between the United States and China. It further states that "if American citizens, in accordance with Article VII of the American-Chinese Commercial Treaty, make application for permission to open mines, it shall be the duty of the local Chinese officials to delimit the concession and consult with the owner of the property as to the price to be paid."

I am still of the opinion that Article VII of the Provincial Mining Regulations is open to the objections made, but with this despatch as a commentary the objection is lessened, since Americans will be allowed to purchase with the approval of the officials.

As the original Mining Regulations require all applicants first to obtain a prospecting permit and later a permit to

* Foreign Relations, 1905, p. 235.

mine, the officials have all foreign applicants under their control, so that the addition of the above Regulation VII can work no greater hardship to Americans than before, provided the official interpretation is kept in mind. From the new explanation given, the rule is evidently intended to protect Chinese of other provinces than that in which the mining lands in question are situated.

But even under this interpretation it still remains true that Americans cannot buy mining lands from private owners, except through the Government officials, (who will of course make the purchase as valuable to themselves as possible, or put a prohibitive price on the lands in order to hold them for the use of the state.) omit

It is important that the Department have the enclosed explanation on file, as the official interpretation of Article VII of the new Mining Regulations.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:

Prince of Ch'ing to Mr. Rockhill, January 10, 1906.

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Enclosure in Despatch No. 200

Prince Ch'ing to Mr. Rockhill.

Peking, January 10, 1906.

Your Excellency:

I have the honor to acknowledge the receipt of your despatch of December 23rd calling my attention to the new Mining Regulations by which provision is made for the establishment of Provincial Bureaus of Inspection. In refering to Article VII of these Regulations, which says that "property belonging to the people may only be sold to a native of the district in which it is located", Your Excellency said: "I need hardly remind Your Highness that this Clause of the Regulations is in direct conflict with the provisions of the Treaty of 1903 between the United States and China, wherein it is distinctly stated that China 'will permit citizens of the United States to carry on in Chinese territory mining operations and other necessary business relating thereto, etc.' and that the new regulations to be adopted by China 'will be imposed by China on its subjects and foreigners alike'; it is further stated that the new rules 'will offer no impediment to the attraction of foreign capital'. Inasmuch as this regulation forbids the purchase by foreigners of mining lands owned by private individuals, it prevents the investment of American capital in such lands and refuses to citizens of the United states the permission allowed to Chinese subjects to carry on mining operations in China except on lands belonging to the Government." For the reasons stated above Your Excellency felt it your duty to protest against the enforcement of Rule VII.

In reply I have the honor to state that upon receipt of Your Excellency's communication my Board communicated at

once with the Board of Commerce with regard to the matter, from whom the following reply has now been received:

"With regard to the new mining regulations in which provision is made for the establishment of Provincial Bureaus of Inspection, and the seventh Article of these regulations which says that 'property belonging to the people may only be sold to a native of the district in which it is located', we have to state that this provision was made to prevent the people from making such private sales among themselves as would lead to fraudulent practice the falsifying of names, etc. The natives of a district know well all the history of the land in their own neighborhood, and will not be easily deceived, so this special restriction upon private sales forbidding the sale of land to any but natives of the district, was imposed in order to prevent corrupt practices and the defrauding of wealthy families. If American citizens in accordance with the seventh Article of the American-Chinese commercial treaty make application for permission to open mines, it shall be the duty of the local Chinese officials to delimit the concession and consult with the owner of the property as to the price to be paid, that there may be no fraud or other corrupt practices in the premises; it will not be necessary to act in accordance with Article VII of the Regulations regarding the Provincial Bureaus of Inspection.

Take, for instance, Article III of the original Regulations drawn up by this Board. It says: 'If the mining land in question be a place which the Government ought to develope, the officials must buy the land at a fair valuation, and the owner must offer no opposition." Now if

once with the Board of Commerce with regard to the matter, from whom the following reply has now been received:

"With regard to the new mining regulations in which provision is made for the establishment of Provincial Bureaus of Inspection, and the seventh Article of these regulations which says that 'property belonging to the people may only be sold to a native of the district in which it is located', we have to state that this provision was made to prevent the people from making such private sales among themselves as would lead to fraudulent practices the falsifying of names, etc. The natives of a district know well all the history of the land in their own neighborhood, and will not be easily deceived, so this special restriction upon private sales forbidding the sale of land to any but natives of the district, was imposed in order to prevent corrupt practices and the defrauding of wealthy families. If American citizens in accordance with the seventh Article of the American-Chinese commercial treaty make application for permission to open mines, it shall be the duty of the local Chinese officials to delimit the concession and consult with the owner of the property as to the price to be paid, that there may be no fraud or other corrupt practices in the premises, it will not be necessary to act in accordance with Article VII of the Regulations regarding the Provincial Bureaus of Inspection.

Take, for instance, Article III of the original Regulations drawn up by this Board. It says: 'If the mining land in question be a place which the Government ought to develope, the officials must buy the land at a fair valuation, and the owner must offer no opposition." Now if

the American Minister says that private mining property may only be sold to natives of the district in which it is situated, how about these mines which the Government must develope? Can they be sold to none byt natives of the district? If the two sets of Regulations be considered together, and compared, it will be evident that the seventh Article of the Regulations relating to Provincial Bureaus of Inspection in no way conflicts with the Commercial Treaty between the United States and China, as the two refer to different things. This Board has now explained the matter in such detail that His Excellency the American Minister cannot be mistaken again in regard to it.

The above communication having been received by my Board, it becomes my duty to transmit it herewith for Your Excellency's information.

A Necessary Despatch.

DEPARTMENT OF STATE.

Second Assistant Secretary's Room.

MEMORANDUM. Feb. 28. 1906.

Mr. Smith. Recite & say:—

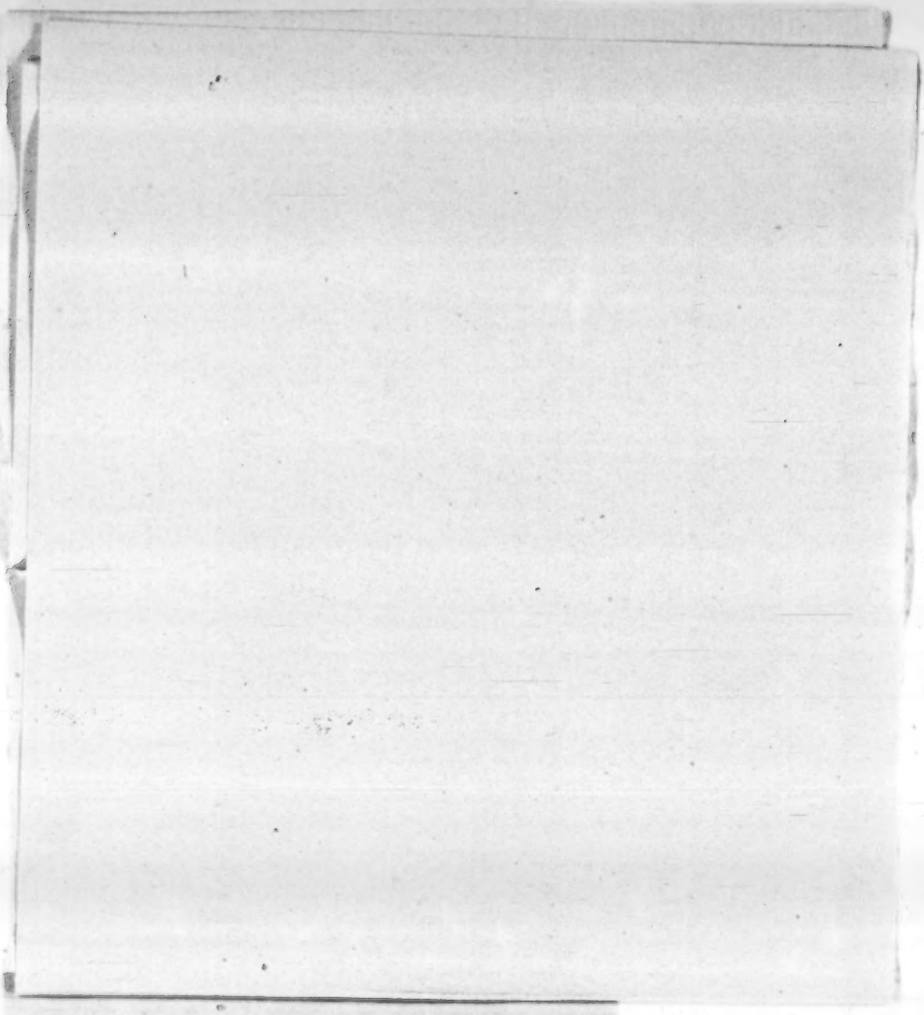
The proof of the sincerity of this interpretation of the objectionable rule remains to be furnished in actual practice. If no discrimination be made against American or other foreigners, and the consent of the authorities be not made the pretext for exorbitant demands, but shall be found to operate in fact in such a way as to do away with fraud and corrupt practices, as promised in the reply of the Prince Ch'ing, no great inconvenience may result. It should, however, be pointed out to the Prince that the just and non-discriminatory treatment offered to Americans in this regard is merely a matter of interpretation.

~~hidden away~~ protection, hidden away in correspondence between the Board of Commerce and the Wai-wu-pu, and not in this form, a public record binding upon the officials of the Chinese land office. Amendment of the regulations, or public announcement having the effect of such amendment, would appear to be the necessary and proper way to make this interpretation known to all concerned and so Thus avert the differences and friction which may readily be foreseen if the business were be suffered to rest as it now is and the local authorities were left to interpret and apply two conflicting sets of regulations. That these regulations are in conflict among themselves appears from the report of the Board of Commerce, and it does not appear sufficient ~~to~~ merely to state as the opinion of the Board that when considered together, the provisions of one of them do not conflict with American treaty rights.

MEMORANDUM.

More than this is needed, and the possibility of conflict of local interpretation to the prejudice of American rights should be authoritatively excluded. It is not too much to ask that the question be met in a straightforward way, as befits the national good faith of China.

AAK



DEP'T OF STATE
FEB
28
1906
2ND ASST SECRETARY

Dear Prof. Scott:

Will you kindly look at this and make such suggestions as may occur to you?

I have nothing to add; your memorandum seems to me admirably suited to the case

J.B.S.

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John Hay
To Tokyo
Inclosure

No. 201. January 18, 1906.

CHIEF CLERK
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26
1906
DEPARTMENT
OF STATE.

Mr. Rockhill to the Secretary of State.

Subject:

Our Consul General at Mukden. The importance of arranging for him to proceed to his post. Comments on the disinclination of the Japanese Government to permit Consuls of other Powers to take up their duties at Mukden.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 201.
RJ.

January 18, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

Mr. Fleming D. Cheshire, out Consul General at Mukden, telegraphed me on the 12th instant from Canton asking when it would be possible for him to proceed to his post, which he has been prevented from doing sooner, on account of the late Russo-Japanese war.

As soon as peace was signed at Portsmouth I wrote to our Minister in Japan and asked him if he could sound the Japanese Government concerning our Consul General at Mukden and our Consul at An-tung, with regard to their proceeding to their posts. Mr. Cheshire and Mr. Davidson had received their exequaturs from the Chinese Government on February 9th, 1904, before military operations were opened in Manchuria, or even on the Yalu.

Mr. Griscom wrote to me privately on November 9th last: "In regard to our Consul at Mukden, about whom you wrote me, I also took that matter up at once and have been pressing it as hard as I could. The absence of Baron Komura was again used as a reason for not deciding the question, and now that he has returned they are going to give me a formal reply at once, refusing to let him go to his post while they are treating the same as a military base.....All the principal towns in Manchuria under Japanese control, are now opened

Confidential

freely to Japanese merchants, and it seems entirely unfair and contrary to the principle of the open door that they should continue to exclude foreign merchants now that the war is over."

Several times since the date of the above letter I have mentioned to the Japanese Minister here our desire to see our Consular agents in Manchuria at their posts, but he has been absolutely non-committal in his replies, as has also been Baron Komura, to whom I spoke on the subject several times during his stay here.

The reason for the disinclination of the Japanese military authorities to have our Consular officers join their posts is, I presume, the fear that those of other nations, especially Russia, will promptly follow, and after them will come the foreign residents and traders, who will not submit as peacefully and placidly to the exigencies of military rule as do the Japanese civilians now allowed in such large numbers in Manchuria.

I cannot remember any precedent for the action of the Japanese Government in thus preventing the Consular officers of a neutral Government occupying their posts in the area of military operations; though their duties are naturally restricted under military rule, they are nevertheless empowered to discharge certain duties under all circumstances and to render certain services to their nationals.

In the present case it must also be borne in mind that in a considerable portion of southern Manchuria the Chinese authorities have resumed control of a large share in the general administration of the country. The Governor General, (or Tartar General as he is called) of Manchuria, is now residing in Mukden and most of the minor localities are

again under Chinese rule.

It is possible that the evacuation of Manchuria by the Japanese may be for some unforseen reasons greatly delayed beyond the limit prescribed in the treaty of Portsmouth, in which case there is no reason to suppose that the Japanese military authorities will be more inclined than they are now to see our Consuls in Manchuria take up their posts.

I quite understand that our Government should not be disposed to insist on what seems to me our undoubted right to have our Consuls join their posts of duty in Manchuria, as it might embarass the Japanese Government. Nevertheless in view of the services which our Consul General at Mukden could render to our trade and general interests if he were there, I deemed myself justified in sending you the following telegram on the 13th instant:

"Secstate,

Washington.

January 13th, 10 A.M. The United States Consul General at Mukden has requested my instructions about proceeding to his post. Griscom informed me last November the Government of Japan will probably refuse as long as Mukden military base. Perhaps the Government of Japan might reconsider now the matter. Exequatur was granted by the Chinese Government in February nineteen four. He could be very useful at his post of duty.

Rockhill."

I may add that our Consul General at Newchwang reports to me that the congestion of the import trade at his port resulting from the continued restrictions put upon it by the Japanese military authorities is operating very prejudicially against

us. Mr. Sammons in a despatch of the 13th instant, a copy of which was sent by him to the Department, tells me that there are now in Newchwang perhaps 25 millions of dollars worth of imports awaiting for some relaxation of the restraint put in the way of inland trade by the Japanese to find their way into the interior of the country. The presence of our Consul General at Mukden would most unquestionably tend to hasten the return of normal trade conditions.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

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ASSISTANT SECRETARY,
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No. 202, January 19, 1906.

CHIEF CLERK
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DEPARTMENT
OF STATE.

Mr. Rockhill to the Secretary of State.

Subject:

The desire of Chu Ching Lan, degraded in 1904, to be restored to his former rank. Enclosing copy of a petition from the Ying-k'ou Chamber of Commerce and others.

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Smith

March 2/06

Dear Mr Asla

We might express your views in a despatch to Rockhill and those lines give him discretion. How would that do?

DEPT OF STATE
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2ND ASST SECRETARY

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BIPLOMATIC BUREAU.
Instruct Mr. Rockhill in the sense of my memorandum.

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CHIEF CLERK
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AMERICAN LEGATION,
PEKING, CHINA.

No. 202.

January 19, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

Sir:

Mr. Conger in his despatch No. 1659 of July 13th, 1904, reported to the Department the settlement he had made with the Chinese Government in connection with the killing of an American called Lewis L. Etzel by Chinese soldiers who were guarding the coast near Newchwang during the late Russo-Japanese war. It was agreed upon between Mr. Conger and the Wai-wu Pu that among other punishments to be inflicted upon the directly guilty parties, Major Chu Ching-Lan, the commander of the force to which the soldiers who actually did the shooting belonged, should be cashiered - or deprived of his rank, it would seem, since he is still in the service in the same district as prior to the Etzel incident.

No responsibility except a moral and technical one attaches to Major Chu for the killing of Etzel; he was punished in compliance with immemorial Chinese practice as being the direct superior of the guilty parties. His punishment was not asked by Mr. Conger - it was part of the action taken by the Chinese Government in connection with this incident.

I have the honor to enclose copy of a despatch received from our Consul General at Newchwang transmitting a petition signed by the Ying-k'ou (Newchwang) Chamber of Commerce, and by the Fu-kien, Canton and San-chiang guilds in Ying-k'ou, asking that Major Chu may be restored to his rank in reward

DEPARTMENT OF STATE.

Second Assistant Secretary's Room.

MEMORANDUM.

ASSISTANT SECRETARY,

MAR 2 1906

Feb. 28, 1906.

Dear Mr. Bacon:

I inder from the statement of the petition that Major Chu's degradation was merely nominal and that he has continued in the discharge of his office under what would seem to be a lower title. It appears from Mr. Conger's earlier despatch that, upon a memorial, an edict of the throne cashiered Chu and cashiered and punished a Corporal P'an Tse.

I think it desirable that we should know exactly what Chu's present office, duties, and rank are, and how far they comport with the declaration of the Wai-wu-Pu that he had been cashiered or deprived of his rank.

If it extended no further than a reduction in rank, while retaining military office and functions I do not know that we should be in a hurry to ask his restoration to his former grade. I think we should, at any rate, take time to learn the facts which do not sufficiently appear in this report.

Otherwise, I agree with Mr. Rockhill that as we did not ask for Chu's degradation, we might gracefully ask the remission of that part of the penalty, and that a good impression might be produced thereby just at this juncture when things are a trifle strained.

Alvey

for his excellent services before and since the Etzel incident. The petitioners ask that their communication (a copy of which I enclose in translation, instead of Mr. Sammons synopsis) be transmitted to me with a request that I ask the Wai-wu Pu to petition the Throne for the Major's reinstatement.

I hope that the Department will see its way to authorize me to take the action requested, especially as Mr. Conger told the petitioners in October, 1904, that the question of the reinstatement of Major Chu would be considered when his conduct had justified such action, and Mr. Williams, of this Legation, who knows Major Chu, thinks him a good and deserving man and that it would be well if his rank could be restored to him.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1. Mr. Sammons to Mr. Rockhill, January 13, 1906.
2. Petition of Ying-k'ou Chamber of Commerce (in translation).

Enclosure No. 1 in Despatch No. 202.

Mr. Sammons to Mr. Rockhill.

Newchwang, January 13, 1906.

S i r :

I have the honor to hand you herewith a petition, in Chinese, which has been presented to me, forthe restoration of renk to Commander Chu Ching Lan, who was cashiered in 1904 because native soldiers under him, who were charged with the suppression of piracy, shot and killed in this District an American war correspondent named Lewis L. Etzel.

As it is not possible without interference with the work on hand at this Consulate to present, herewith, a complete translation of this petition I hope a lengthy synopsis thereof will suffice, to wit:

"That the Chinese Chamber of Commerce of this port, the gentry and Yinkow, Fookien, Canton, Sankiang guilds, after opening the case states that this part of Manchuria has important trade features and that said Commander has been diligent and successful in checking the robbers who have menaced and hampered said trade; that through his good offices the District has been cleared of robbers, thus allowing the renewal of trade, etc; that the fact of this Commander suppressing robbers and thereby fostering trade is beyond dispute and need no discussion, etc.

"That during the 5th Moon of the 30 year of KwangHsu, one of his petty officers, while ordered to hunt pirates in the sea, mistook a correspondent of our (American) nationality, together with natives, who happened to be sailing in a junk, to be sea robbers, and unintentionally killed him. That for the friendship of the two governments, Commander Chu was puhished by having his rank taken from him. That Commander

Chu's guilt is not only pardonable, because the mistake was done when he is discharging his duty, but also because he is much appreciated by your petitioners. And how could your petitioners be gratified and pacified if they possess a natural mind, when Commander Chu was so severely punished while he sought to protect the trade and merchants. That, moreover, Commander Chu since his rank was taken from him continued his work with more vigor, and the benefits and protection that your petitioners have received are indeed not shallow and little. That your petitioners have been informed that you consider the protection of trade as an important matter. That Commander Chu has brought benefits to commerce and trade which are well known.

"Your petitioners therefore dare to detail to you the facts and pray that you will report the same to your Minister at Peking, that he may write to the Board of Foreign Affairs to petition the throne for the recovery of the rank of the Commander, in order to encourage the said Commander to perform his work with more vigor, and your petitioners will also be greatly blessed by your kindness.

"While your petitioners know that the power to degrade a man and also to dignify him, are in the hands of their superiors and they must not insist, but the appreciation of your petitioners of the Commander is such that they cannot keep themselves quiet. Hoping you will favor your petitioners and fill them with boundless gratitude, etc."

I may add that the heads of the guilds called upon me several weeks ago in regard to this matter when they reviewed the case fully as set forth in the petition, and urged me to

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I may add that the heads of the guilds called upon me several weeks ago in regard to this matter when they reviewed the case fully as set forth in the petition, and urged me to

take up the matter with you. I stated that I would be glad to forward a petition or any communication on the subject, and assured them that you would give their representations careful consideration. They urged that because this official had done so much for commerce and trade, in which our Government is so largely interested in this district, he should now have his rank restored; that the Chinese Government would restore it if the American Minister was foverably inclined.

I find that the opinion among Chinese officials as well as among numerous foreigners who have resided her for many years to be that the killing of Mr. Etzel was an accident; that he was attempting while war was in progress to reach Port Arthur in connection with his newspaper work.

The leading Chinese merchants of this District, including such men as Mr. Pan of Tung Yung Mow, Mr. Yih of Tung Sun Yee, are among those who have urged the restoration of Commander Chu's rank. Both Mr. Pan and Mr. Yee import and handle large quantities of American piece goods, flour, etc. The largest steamer to enter this port, the "Vermont", entered just before the port closed last year with over 3,000 tond of American flour for Mr. Yih. Men of this character, as well as such men as Rev. James Webster, at the head of the Scotch Presbyterian Mission in Manchuria, inform me that the junk on which Mr. Etzel took passage being practically without cargo caused the native soldiers to consider her a pirate. Accordingly when the native in charge of the junk said he had foreigners aboard he added to their suspicions and that, further, if Etzel had kept out of sight as he was told to do, he would not have been shot in any event, that his companion who remain

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below was not injured, etc.

Waiving the merits of the case which have been heretofore disposed of and upon which I do not assume to pass, I deem it proper to state that the restoration of Commander Chu's rank would certainly be very pleasing to the petitioners who urge such action. When they requested this on a previous occasion (Mr. Conger's despatch No. 2619 of October 10, 1904) they were told that "when he (Chu) shall have done such creditable service as to warrant its return", the matter might be considered. They, the petitioners, feel that Commander Chu's record, under the circumstances and the above assertion as to creditable service, if for no other reason as set forth, warrants the restoration of his rank. In fact, they feel that he has been severely punished and while still deploring the fatal result in this instance of the effort to suppress pirates and robbers they look forward to the final restoration of Commander Chu's rank on the ground of ultimate justice on the part of the American Government.

(Signed) THOMAS SAMMONS.

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(Signed) THOMAS SAMMONS.

Enclosure No.2 in Despatch No.202.

Petition from Newchwang merchants to Mr.Sammons.

Newchwang, Jan. 1906.

We, the merchants and gentry of Newchwang, Tienchwangt'ai, and Nanpang, respectfully present this petition on behalf of a Commander who has fallen into disgrace on account of some events which followed the performance of his public duty . We have already on a previous occasion besought your indulgence in the matter, and asked that, for the protection of merchants and trade, the proper Board be communicated with and requested to restore to the commander in question his lost rank.

Chu Ch'ing-lan, commanding the Sui-ching Division, was deprived of his rank because some soldiers sent by him to capture pirates accidentally killed an American newspaper correspondent. As we have already united once before in a petition requesting the restoration of his rank, we ought to await developments quietly, and not venture to trouble you again in the matter. But Newchwang and Tienchwangt'ai are large transportation centers, and hence ports of great commercial importance. When Japan and Russia were at war, robbers and bandits appeared everywhere, and plundering of all kinds was so common that goods could not be shipped anywhere; the result being that trade was absolutely blocked. At that time Commander Chu was most energetic in sending troops to hunt for and arrest robbers whenever he heard of their presence on land or sea. So all such criminals were forced to go into hiding, and trade was resumed. The peace that he restored to his whole district was the result of his energetic protection of trade and traders. This fact is so evident that no further words on the subject are necessary.

But

Enclosure No.2 in Despatch No. 702.

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Newchwang, Jan. 1904.

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But in the Fifth Moon of last year (June 1905) he ordered some soldiers to patrol the coast. At the same time it happened that an American newspaper correspondent was passing along the coast in a junk. The soldiers, suspecting that the junk contained pirates, fired upon it, and the unfortunate result of the affair was the killing of the American. On account of the friendship of our two countries, the Throne ordered that Commander Chu be deprived of his rank, as proper penalty for the responsible officer. There is, however, something to be said for Commander Chu, both because the unfortunate accident happened in connection with the performance of his duty, and because we merchants have always felt that he brought this blame upon himself by his diligence in the protection of trade. Consequently we would not be true men if we were content to see him in disgrace without taking any action.

After his degradation Commander Chu did not relax his former efforts, but applied himself to his work with even more zeal than before, and the benefits we have received from his protection are great indeed.

We know that you consider the protection of trade a very important matter. There is ample proof of Commander Chu's most earnest efforts having been spent in that behalf. We, your petitioners, therefore venture to approach you once more and present the matter to you in detail. And we request that you will report it to your Minister in Peking, that he may communicate with the Board of Foreign Affairs asking that Commander Chu may be restored to his former office and rank. Then will he be encouraged to perform his duties with augmented zeal, while we, merchants and others, will never forget your kindness. We realize of course that the power to promote or degrade a man rests entirely with his superiors, and we should not insist in our request in this way, but our appreciation of the Commander makes it difficult for us to restrain ourselves, and we venture to hope that you will obtain our undying gratitude by granting our prayer.

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No. 203.

January 19, 1906.

CHIEF CLERK
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DEPARTMENT
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Mr. Rockhill to the Secretary of State.

Subject:

American Mails. Unsatisfactory service of the French Postal Agencies in North China. Suggested changes.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 203
RJ.

January 19, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

Under date of March 7th, 1905, Mr. Coolidge, then Charge d'Affaires, called the attention of the Department to the unsatisfactory handling of American mails in China when turned over to the French Postal Agencies instead of to the Imperial Chinese Post Office as had been done until them.

The Department in its reply to Mr. Coolidge, No. 914 of April 27th, 1905, enclosed a copy of a letter from the Post Master General, in which he stated that "articles destined for Peking are included in mails addressed to the French Post Office in that City, with the distinct approval of the Postal Administration of France, which assured this Department that said office was fully equipped to handle the mails, and to deliver the articles at residences throughout the entire quarter of the Legations immediately after the arrival of the mails."

Consequently the American mails have since then continued to be handled at Tientsin and here by the French Postal Agencies, and even at Shanghai to a certain extent.

I enclose herewith copy of a communication handed me a short time ago which bears practically the signatures of all Americans living here and in the vicinity, asking that our home mails be again handled on arrival in China by the Imperial Chinese Post Office, or, better still, sent from Yokohama to

No. 429

January 19, 1906.

Tientsin directly by the Imperial Japanese Post Office.

Our Consul General at Tientsin has informed me that he has received many complaints from our Countrymen residing there in regard to the present handling of the American mails by the French Post Office; the slow and irregular delivery, extraordinary and unexplained over-charges, difficulty of receiving proper attention through difference of languages, French employés not speaking English, - were among the complaints.

I may add that this Legation is experiencing the same inconvenience as our people at Tientsin and elsewhere at ports throughout North China, through the present unsatisfactory service. The present charges on what is declared insufficiently prepaid mail by the French Post Office amounts to quite considerable sums, and the delivery of a mail drags along for three or four days after its arrival in this city.

In view of the above, I took the liberty of telegraphing you on the 12th instant, as follows:

"Secstate,

Washington,

Referring to Conger's despatch 1826 all the Americans her and Tientsin complained to me very great delay delivery home mails which are still handled by the French. They request forwarding them directly from Yokohama by the Japanese and in China by the Chinese. I concur. Very desirable.

Rockhill.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

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Enclosure:

Petition of H. H. Lowry et al, dated January 10, '06.

Enclosure in Despatch No. 203.

American residents of Peking to Mr. Rockhill.

Peking, China, 10 January, 1906.

Dear Sir:

The French Post Master in Peking has informed us that arrangements have been made whereby all incoming American Mail hereafter will be distributed through the French Post Office. We are not informed how this arrangement came to be made, but we wish briefly to call the attention of Your Excellency to the inconvenience in which it involves us, and respectfully to request that the matter be represented to the proper department. The French Post Master informed us that we must send to the office to receive our mail, which will involve us in some extra expense; but of this we should not complain were it not for the fact of the inconvenience, delay and uncertainty in getting our mail. There is no system of speedy communication in Peking by which we can learn of the arrival of a home mail, and it is inevitable that there will always be considerable delay in the receipt of our mail under this new scheme.

In this connection we wish to express our complete satisfaction with the promptness and efficiency which the Chinese Imperial Post Office have shown in handling our mails, which they have always freely and promptly delivered, and unless there is some good and patent reason for a change we should prefer that the arrangement with them should be continued as heretofore. We are unaware of one single advantage that comes to us by passing our mails through the French Post Office.

Another plan has been suggested which commends itself to us if arrangements can be made with the Japanese Postal auth-

Enclosure in Despatch No. 203

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Peking, China, 10 January, 1906.

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Another plan has been suggested which commends itself to us if arrangements can be made with the Japanese Postal auth-

orities to put it into effect. That is to have all American mail destined for North China assorted either at or before reaching Yokohama, and forwarded by the Japanese Post Office. By such an arrangement our mails, in a very short time, would be carried by an almost direct continuous rail route to Tientsin and Peking, and thus arrive at their destination three or four days in advance of any other route.

Thanking you in advance for the assistance we believe you will give us in the matter, we are,

Very respectfully,

(Signed) H. H. LOWRY and the names of fifty-eight other Americans residing in or near Peking.

orities to put it into effect. That is to have all American mail destined for North China assorted either at or before reaching Yokohama, and forwarded by the Japanese Post Office. By such an arrangement our mails, in a very short time, would be carried by an almost direct continuous rail route to Tientsin and Peking, and thus arrive at their destination three or four days in advance of any other route.

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Very respectfully,

(Signed) H. H. LOWRY and the names of fifty-eight other Americans residing in or near Peking.

Mr. Morrison.





Order suspended until June 30, 1906 (Mar. 8, 1906)

Soon as Mar. 16

File

No. 204.

January 20, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Renewal of subscriptions to "The New York Tribune" and "The Washington Post".



AMERICAN LEGATION,
PEKING, CHINA.

No. 204.
PJ.

January 20, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

With reference to Paragraph 332, Instructions to Diplomatic Officers, I have the honor to request that the Department cause the renewal of the subscriptions to the "New York Tribune" and "Washington Post", and to have the above newspapers forwarded to this Legation during the remainder of the present fiscal year. Owing to an oversight the Legation did not ask for the renewal of these subscriptions at the end of the last fiscal year.

I have the honor to be, Sir,
Your obedient servant,

W. W. Rockhill

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No. 205.

January 21, 1906.

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Mr. Rockhill to the Secretary of State.

CHIEF CLERK
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Subject:

Efficiency report on subordinate officials, in compliance with Department instruction of October 27, 1905.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 205.
RJ.

January 21, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

In compliance with your instruction of October 27th last, directing me to report at my earliest convenience upon the ability and fidelity to duty and efficiency of each subordinate officer in this Legation, I have the honor to state as follows:

The First Secretary of the Legation, Mr. John Gardner Coolidge, is a graduate of Harvard, class of 1884. He is an excellent French scholar, has travelled very extensively in nearly every quarter of the world, has very good judgment and extraordinary application and fidelity to duty. He takes great interest in his work, which he performs most efficiently. He has been in his present position in Peking since August 6, 1902.

The Military Attaché, Captain Henry Leonard, United States Marine Corps, has, since his arrival in Peking in May, 1905, shown much application to his difficult duties and, as I have seen many of the reports which he has prepared for the War Department, I can knowingly state that he has shown great efficiency in collecting the most varied and useful information for his Department. He is a good lawyer and fair German scholar, very popular with the Chinese and foreigners, ready for and prompt in the discharge of any duty given him.

It is a great pity that funds cannot be put at his disposal sufficient for him to extend his researches beyond this part of the Empire; to do even this he has to draw largely on his private funds, as his travelling allowances are absolutely inadequate.

The Naval Attaché, Lieutenant Frank Marble, United States Navy, has not been in China since his appointment as Naval Attaché to Japan and China. It is to be hoped he will be able to devote some little time to this country, concerning whose present naval organization we know nothing.

The Second Secretary, Mr. William Phillips, is a graduate of Harvard, class of 1900, and for over two years was a student in the Harvard Law School. He served for two years prior to his appointment to this Legation as Private Secretary to our Ambassador in London, Mr. Choate. He has a fair knowledge of French, which he seeks to improve. He is most conscientious and has shown great devotion to his duties, discharging to my complete satisfaction the work entrusted to him. His recent severe illness, typhoid fever, from which he is about recovered at present, has prevented me from gaining a definite opinion of his judgment, but I have confidence that it will prove good.

The Chinese Secretary of the Legation, Mr. E. T. Williams, was appointed in the early part of 1901 after serving in a similar capacity in our Consulate General at Shanghai for several years. He has been a resident of China for about seventeen years, prior to his entry into our Government's service having been employed in mission educational work. He is a very scholarly man, deeply interested in his work, which he performs in a most satisfactory manner. His knowledge of Chinese character, laws and customs is accurate and exten-

sive, and I have found his judgment most excellent. He has the confidence of all those who know him, both Chinese and foreigners, and is of immense value to our Government in the position he holds.

The Assistant Chinese Secretary, Mr. Thomas W. Haskins, is a graduate of the University of California, class of 1903, and was appointed to his present position July 1, 1904, from the student interpreters as being the ablest among them. He has justified the choice. He has a fair knowledge of Chinese which he is improving constantly. His work is accurately done and gives me satisfaction. He has not, however, the scholarly nature of his chief, Mr. Williams, which alone can make the perfect Chinese Secretary; but experience and observation will of course in the long run supply to some extent the absence of this trait.

The Student Interpreters, although they are now detailed at various Consulates, with the exception of the two latest additions to this corps, seem to come within the limits of the report called for by the President. I have therefore asked the Consuls in whose offices there are now "student interpreters" to report to me on their ability, fidelity to duty and general efficiency. I append hereto the reports I have received from them. I regret that they have not covered the questions submitted to them more thoroughly - but the reports are, so far as they go, satisfactory. I gather from private letters from our Consuls that the work assigned to these young men in the offices to which they are attached is not always of such a nature as to enable them to improve their knowledge of Chinese or even to put to much use such as they have; most of them are doing purely clerical work. In my despatch No. 30, of July 14, 1905, I had the honor to submit to you certain

recommendations looking to the steady raising of the efficiency of this useful body of officers. I am more strongly of opinion than ever that periodical examinations should be held to test their efficiency, reward application and proficiency, and cull out the "students" who are not making sustained progress and who have not shown themselves valuable additions to our Consular service here.

I also enclose copy of a report from the Chinese Secretary on the recently arrived students, Mr. Hubert G. Baugh and Mr. G. Hamilton Butler.

I have but one remark to make on the work of the officers attached to this Legation; the criticism is a general one and in no wise reflects on them. My remark applies to a general absence of method in the manner of conducting the work, which inevitably requires more time and effort to accomplish a given result than would be necessary if more system existed. I am endeavoring to introduce the same methods as exist in the Department of State in the division of labor, the keeping of the archives, library, accounts and other branches of the work. It would be of enormous value to our diplomatic service if all secretaries, prior to joining the legations in which they are to serve, could pass a few months in the Department to learn its methods and requirements. It would introduce uniformity in the work of all our missions, which my experience has shown me does not exist in such perfection as it might if such preparatory training were possible.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1. Mr. Martin to Mr. Rockhill, December 16, 1905.

Enclosures (continued):

2. Mr. Ragsdale to Mr. Rockhill, December 18, 1905.

3. Mr. Rodgers to Mr. Rockhill, December 21, 1905.

4. Mr. Lay to Mr. Rockhill,

5. Mr. Williams to Mr. Rockhill, January 12, 1906.

Enclosure No. 1 in despatch No. 205

Mr. Martin to Mr. Rockhill.

Hankow, December 16, 1905.

S i r :

I have the honor to acknowledge the receipt of your despatch No. 431, dated December 7th, 1905, wherein you request that I inform you as to the ability, fidelity to duty and efficiency of Mr. Willard B. Hull, a Student Interpreter attached to this Consulate General.

I have to inform you that Mr. Hull has displayed more than ordinary ability in judgement and knowledge pertaining to the duties of this Consulate General. He is trustworthy and performs his duties with fidelity. While interpreting is not so much required in this office as in some others, what has been done since Mr. Hull has been here has been done by him successfully and efficiently. Since his arrival he has been appointed Vice Consul General.

I am, Sir,

Your obedient servant,

(Signed) WILLIAM MARTIN,
Consul General.

Enclosure No. 2 in Despatch No. 205

Mr. Ragsdale to Mr. Rockhill.

Tientsin, December 18, 1905.

S i r :

I have the honor to acknowledge receipt of your despatch No. 452, with reference to the efficiency of Student Interpreter A.W.Pontius, now Interpreter for this Consulate, and in reply have this to say: Mr. Pontius entered upon his duty as Interpreter to this Consulate on June 15, and I have found him a very desirable assistant in every respect. He translates orally correctly, and his translations of English into Chinese and Chinese into English are good and improving. He devotes all his spare time, from one to three hours daily, to study with a native teacher, the reading of international law and perusing the Consular Regulations and of other books pertaining to the duties of the office. Compared with other assistants during my term of office he is beyond doubt the most efficient and desirable.

I am, Sir,

Your obedient servant,

(Signed) JAMES W. RAGSDALE,

Consul General.

Enclosure No. 2 in Despatch No. 205.

Mr. Hagedale to Mr. Rockhill.

Tientsin, December 18, 1905.

S i r :

I have the honor to acknowledge receipt of your despatch No. 482, with reference to the efficiency of Student Interpreter A.W.Pontius, now Interpreter for this Consulate, and in reply have this to say: Mr. Pontius entered upon his duty as Interpreter to this Consulate on June 15, and I have found him a very desirable assistant in every respect. He translates orally correctly, and his translations of English into Chinese and Chinese into English are good and improving. He devotes all his spare time, from one to three hours daily, to study with a native teacher, the reading of international law and perusing the Consular Regulations and of other books pertaining to the duties of the office. Compared with other assistants during my term of office he is beyond doubt the most efficient and desirable.

I am, Sir,

Your obedient servant,

(Signed) JAMES W. HAGEDALE,

Consul General.

Enclosure No. 3 in Despatch No. 205.

Mr. Rodgers to Mr. Rockhill.

Shanghai, December 21, 1905.

S i r :

I have the honor to state as follows to your No. 429 of December 7th 1905, in which you request information as to the ability and efficiency of Mr. J. H. Arnold and Mr. C. L. L. Williams, Student Interpreters attached to this Consulate General; and Mr. F. D. Cloud, Student Interpreter and Vice Consul in Charge at Hangchow:

Mr. Arnold is an able, hard-working and conscientious man; he is said to be proficient in the Chinese language, and has a general knowledge of the duties of deputy consul general. He has been acting as chief interpreter since the departure of Dr. Barchet, has been for nine months the American Assessor in the Mixed Court, and is certainly entitled to promotion to the Chief Interpretership, the salary of which, it seems, much to my surprise, Dr. Barchet has been allowed to draw during his absence, although I understand he has no intention of resuming his duties.

Mr. Williams is apparently a good Chinese scholar and is efficient in his general work, although he has little knowledge of consular duties. I purpose having him instructed in that branch of the work.

Mr. Cloud as far as I am able to judge is competent and efficient. At his station where very little if any official business devolves upon him, he can only devote himself to Chinese matters, but I am of the opinion that he could be made a valuable assistant in the service if he was assigned to duties in connection with the outport work of this Consulate

Enclosure No. 3 in Despatch No. 2652.

Mr. Rodgers to Mr. Rockhill.

Shanghai, December 21, 1905.

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I have the honor to state as follows to your No. 429 of December 7th 1905, in which you request information as to the ability and efficiency of Mr. J. H. Arnold and Mr. C. I. I. Williams, Student Interpreters attached to this Consulate General; and Mr. F. D. Cloud, Student Interpreter and Vice Consul in Charge at Hangchow:

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General.

Of all these gentlemen I desire to speak in the highest terms personally.

I have the honor to be, Sir,

Your obedient servant,

(Signed) JAS. L. RODGERS,

Consul General.

General.

Of all these gentlemen I desire to speak in the highest terms personally.

I have the honor to be, Sir,

Your obedient servant,

(Signed) JAS. I. RODGERS,

Consul General.

Enclosure No. 4 in Despatch No. 205.

Mr. Lay to Mr. Rockhill.

Canton, January 17, 1906.

S i r :

I have the honor to acknowledge the receipt of your despatch No. 432 of December 7th requesting information as to the efficiency and ability of Student Interpreter P. S. Heintzleman, now attached to this Consulate General, for making up an efficiency record in the Department of State.

Mr. Heintzleman has been stationed at Canton since October, 1904, and from the time of my arrival here in February last has conscienciously and faithfully performed his duties as shown in his work during my absence at Lien-chow.

The Consulate clerical force is inadequate here and Mr. Heintzleman has been obliged to devote himself to the routine of the office but has nevertheless studied Chinese after office hours.

Mr. Heintzleman is popular and is respected by all foreigners here, and his willingness to cheerfully undertake any duty he is called upon to perform makes him a very desirable officer. He has recently made a very creditable trade report.

I have the honor to be, Sir,

Your obedient servant,

(Signed) JULIUS G. LAY.

Consul General.

Enclosure No. 4 in Despatch No. 2057.

Mr. Lay to Mr. Rockhill.

Canton, January 17, 1906.

S i r :

I have the honor to acknowledge the receipt of your despatch No. 432 of December 7th requesting information as to the efficiency and ability of Student Interpreter P. S. Heintzleman, now attached to this Consulate General, for making up an efficiency record in the Department of State.

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Mr. Heintzleman is popular and is respected by all foreigners here, and his willingness to cheerfully undertake any duty he is called upon to perform makes him a very desirable officer. He has recently made a very creditable trade report.

I have the honor to be, Sir,

Your obedient servant,

(Signed) JULIUS G. LAY.

Consul General.

Enclosure No. 5 in Despatch No. 205

Mr. Williams to Mr. Rockhill.

Peking, January 12, 1906.

S i r :

In compliance with your instructions, I have the honor to report as follows concerning the efficiency of the two Student Interpreters now connected with this Legation.

Mr. Hubert G. Baugh arrived in Peking early last August and at once took up the study of the language. He is making excellent progress. He is a young man of refined tastes and studious habits. His deportment is entirely above criticism, and he gives promise of being in due time a valuable addition to the force of student interpreters.

Mr. George Hamilton Butler has been in Peking but a few days, and it is impossible, therefore to express any opinion as to his fitness for the work which he is taking up. He has made an excellent impression, however, and has taken up the study of the language. The fact that he has but recently graduated from Columbia University ought to be accepted as a certificate of his abilities.

I have the honor to be, Sir,

Your obedient servant,

(Signed) E.T.WILLIAMS,

Chinese Secretary.

Mr. Williams to Mr. Rockhill.

Peking, January 12, 1906.

r :

In compliance with your instructions, I have the
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Student Interpreters now connected with this Legation.

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study of the language. The fact that he has but recent-
graduated from Columbia University ought to be accepted as
rtificate of his abilities.

I have the honor to be, Sir,

Your obedient servant,

(Signed) H.T.WILLIAMS,

Chinese Secretary.

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No. 206.

January 21, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Chinese Mining Regulations.

Acknowledging Department Instruction No. 76 and calling attention to efforts being made to secure revision of the mining regulations now in force.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 206.
RJ.

January 21, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to acknowledge the receipt of your instruction No. 76 of December 9th, 1905, enclosing copy of a letter from Mr. T. W. Sutterle, Managing Director of the American Chinese Company, respecting his statements that the so-called experimental mining regulations now in force in China are in direct contradiction to the spirit of Article VII of the Treaty of October 8, 1903, and directing me to bring the matter to the attention of the Chinese Government and request that the regulations be amended in accordance with treaty obligations.

In my despatches No. 153 of November 24th and No. 177 of December 23rd, 1905, * I had the honor to transmit to you copies of notes sent by me to the Chinese Foreign Office protesting against said mining regulations and subsequent ones.

I beg that the Department will instruct me on what other points it desires me to request the Chinese Government to amend these regulations, as my knowledge of the matter is not sufficient for me to venture much beyond the points indicated as objectionable by the Secretary of the Interior in his letter to the Secretary of State under date of August 27, 1904, (Foreign Relations 1904, pp 161-167) and especially the enclosure thereto which I used in my note to the Chinese Foreign

* Foreign Relations, 1905, pp. 234, 235.

AMERICAN LEGATION,
PEKING, CHINA.

No. 278

January 24, 1920.

To the Honorable

Bainbridge Colby,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your instruction No. 91 of December 8, 1919, enclosing copy of a letter from Dr. T. W. Mutchler, Managing Director of the American Chinese Company, requesting the cooperation of the Government of China in direct negotiations between the Chinese Government and the Standard Oil Company of New Jersey, and requesting that the Legation be instructed to support the latter in the matter of the extension of the Chinese Government's consent to the operations of the Standard Oil Company of New Jersey in China, and requesting that the regulations be modified so as to permit the Standard Oil Company of New Jersey to operate in accordance with treaty obligations.

In my despatch No. 1183 of December 31, 1919, I had the honor to transmit to you copies of notes sent to me by the Chinese Foreign Office, enclosing copies of rules governing the granting of permits to foreigners desiring to engage in mining operations in China, and requesting that the Legation bring the matter to the attention of the Department of State.

I beg that the Department will instruct me what action it desires to be taken in the premises.

I have the honor to be, Sir,

Your obedient servant,

Paul Reinsch.

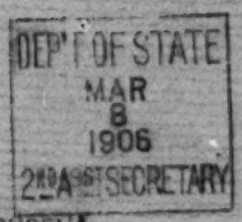
Office of November 29, 1905 above referred to.

I have also to report that the British and German Ministers here are using, I believe, their best efforts to get the Chinese Government to recast its mining regulations in the spirit of the British Treaty of 1902 and ours of 1903. I will keep you informed as to the results of their efforts.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill



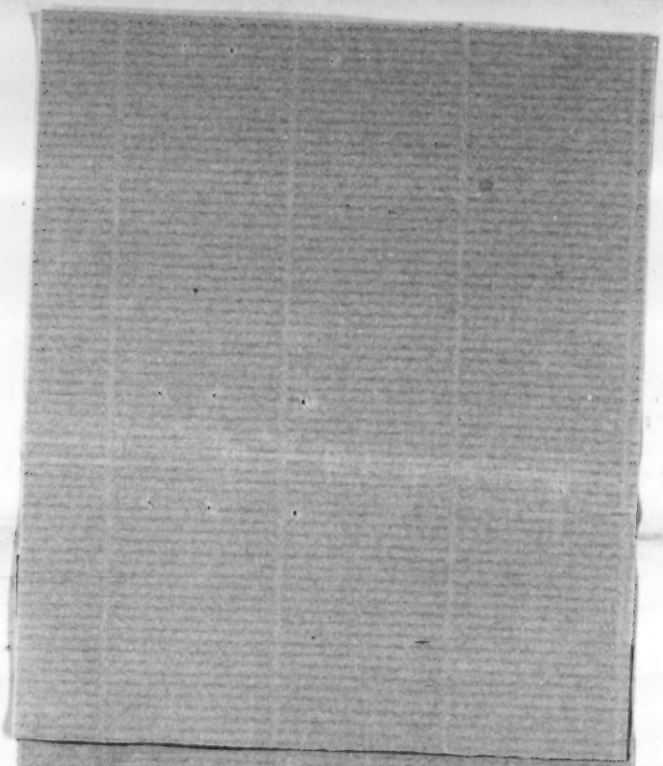
DIPLOMATIC BUREAU.

Mr. Scott

Ack - Mr. Bacon's instn No 114 of March 2 will have shown the desire of this Govt that the mining regulations be so amended as to remove all discrimination against foreign miners and secure the peaceful and practical working of their properties. Your Brit. & German colleagues can presumably have no less interest in such a result than we have.

Keeping in view our own purpose

to



receive equal just and non-discriminatory treatment for Americans interested in mining operations, and making yourself acquainted with the demands put forward by other Govts, you should have little difficulty in deciding upon what points you may go outside of or beyond the indication of the letter of the Secy of the Interior of Aug. 27, 1904. That letter is not to be regarded as limiting a sound discretion on your part.

Inspector, our reply, Rec'n copy this, and our No.

114, to Secretary of Interior, and ask if he has any additional points to suggest.

AAL

ASSISTANT SECRETARY,
MAR 7 1906

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Ack. Approve the Min's remonstrance and await the result

No. 207. January 23, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Proposal of the Viceroy of the Shen-Kan Provinces for the establishment of an official hong in Kansu for the inspection of wool and hides.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 207.
RJ.

January 23, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to transmit herewith copies of notes exchanged with the Prince of Ch'ing bearing on a scheme of the Viceroy of the Shen-Kan Provinces to establish in the Province of Kansu an official bureau (hong) for the inspection of wools and hides before foreign traders shall be allowed to take delivery of their purchases.

Through our Consuls General at Shanghai and Tientsin I submitted the plan of the Viceroy to the American firms interested in this trade, and my reply is based on their answers which coincided with my own opinion.

The British Minister has also protested strongly against this scheme, and I have little doubt that the Ministers of the other powers who are interested will do likewise. The proposal does not appear to have the approval of the Prince of Ch'ing; at least nothing in his note indicates that it has. I fancy it will be dropped.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1. Prince of Ch'ing to Mr. Rockhill, November 30, 1905.
2. Mr. Rockhill to Prince of Ch'ing, January 22, 1906.

Enclosure No./in Despatch No. 208.

H.

Prince of Ch'ing to Mr. Rockhill.

Foreign Office, Nov.30, 1905.

Your Excellency:

I have the honor to inform Your Excellency that on the 26th of the Tenth Moon, XXXI.Year of Kuanghsü (Nov.22nd 1905) I received a despatch from the Viceroy of the Shen-Kan Provinces as follows:-

"Sheep's wool, camels' hair, and hides are the most important exports from Kansuh. Foreign merchants of all nationalities, for the most part, come to Kansuh with transit passes to purchase and ship these articles, obtaining them only in the various markets of the district; heretofore there have been no commission houses dealing in wool and hair; the herdsmen are scattered through the country in all directions, and when the foreign merchants secure the hides, wool, etc. the middlemen who arrange the bargains are all of the class of unreliable Chinese and Mohammedans, called "small traders", and as the goods pass through their hands they resort to all kinds of cheating practices, which give rise to litigation. The herdsmen are swindled by the "small traders", and the foreign merchants first and last have suffered no small losses on their account. This is not in accordance with the principle of improving commercial conditions The only thing to do therefore is to establish an official hong. All sellers of wool, hides, and camels' hair must report to this hong, and must not engage in any private transactions with the purchasers. Foreign merchants coming to Kansuh with transit passes to purchase, will not pay any additional duties, and will not have to pay any hong commission, and in all such matters as fixing the prices, and paying over the money, the seller and purchaser will be free to settle terms themselves. But in purchasing wool and hides of any dealer to any amount, even if the goods be kept in his own house, his name and residence and the

HAMLET

PRINCE OF DENMARK

amount of the purchase must be reported to the local official hong, to facilitate examination. The foreign merchant can then go to the dealer's and take delivery of the goods, and obtain a permit to ship in exchange (for his transit pass) in accordance with the provisions of the treaty.

Should any dealer conducting business in his own house engage in any private transactions, neglecting to report the same to the official hong, on discovery thereof he will be fined.

English merchants have often come to places in the prefectures of Lan-chou and Ning-hsia, and been swindled to the extent of several tens of thousands of taels, and the Consul has written asking me to press for payment. Looking carefully into the whole matter from beginning to end, the trouble for the most part arises from the payment by foreign merchants themselves of money into the hands of the natives in arranging for the purchase of goods. But, if the present suggestion of an official hong be adopted, the "small traders" will be done away with, and trades will be reported to the hong, and both parties will be benefitted. I have therefore to request that you will communicate this plan to the Ministers of foreign countries resident in Peking, and ask them to instruct their nationals to comply with it."

Having received the above, as in duty bound, I communicate it to Your Excellency for your consideration and that you may instruct your nationals to comply with the same. I also trust that you will favor me with a reply.

A necessary despatch.

Kuanghsü XXXI.Year, 11th Moon, 4th Day.

(Nov. 30th 1905)

(SEAL)

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A necessary despatch.

Kuanghsü XXXI. Year, 11th Moon, 4th Day.

(Nov. 30th 1905)

(SEAL)

Enclosure No.2 in Despatch No. 204.

H.

Mr. Rockhill to Prince of Ch'ing.

Peking, January 22, 1906.

Your Imperial Highness:

I have the honor to acknowledge the receipt of Your Imperial Highness' despatch of Nov. 30th 1905, communicating to me the substance of a despatch which Your Highness had received from the Viceroy of the Shen-Kan Provinces, in which he proposes that an official hong should be established to take control of the trade in hides, wool, and camels' hair, so far as his provinces are concerned.

In reply I have the honor to inform Your Imperial Highness that I have asked from American merchants their opinion about the matter, and am in receipt of a number of letters from them, all of whom without exception object most strongly to the establishment of the official hong, as proposed. Such an arrangement, it is said, will prevent native agents of American firms from buying these goods, as now, of the producers andshipping them directly to their firms, as they will have to deal through the hong. This will make it possible for the hong to favor some dealers at the expense of others, and it is likely to seriously affect the prices, too, as it will be possible for the hong to charge the producers various fees to support the hong, and the native dealers would be compelled to add the amount of these fees to their prices in order to reimburse themselves, so that although the foreign trader may pay no commission directly to the hong, he would still have to bear the charge in the end. The establishment of such a hong would tend to give it a monopoly of the trade, so that both native and foreign dealers would be at its mercy. American merchants express themselves as quite

Enclosure No.2 in Despatch No. 207.

H.

Mr. Rockhill to Prince of Ch'ing.

Peking, January 22, 1906.

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satisfied with the methods heretofore employed in conducting the trade, and see no necessity for the innovation proposed. The payment of bargain money is a common practice in many trades, and not only in that of buying hides and wool. If some men do not carry out their obligations, the proper method to be employed by the Viceroy to correct this evil, is not to put the trade in the hands of officials, but instruct the officials to vigorously discharge their duties in arresting and punishing such unscrupulous dealers. There must be perfect freedom of trade and healthful competition to insure the prosperity of trade, but neither could exist with an official hong in control of it.

I have the honor to remind Your Imperial Highness that the establishment of such a hong would be a direct violation of the treaties with the United States. Article XV. of the Treaty of Wang-hia provides as follows:-

> "Citizens of the United States, engaged in the purchase or sale of goods of import or export, are admitted to trade with any and all subjects of China, without distinction; they shall not be subject to any new limitations, nor impeded in their business by monopolies or other injurious restrictions."

It is plain from what has been said above that the establishment of such an official hong would be in the nature of an injurious restriction upon American trade, and it is impossible, therefore, for me to give my consent to the proposal, and I have the honor to request that Your Imperial Highness will at once instruct the Viceroy of the Shen-Kan Provinces that the proposed Official Hong must not be established, and that trade must be allowed to be conducted as heretofore.

I avail myself of the opportunity to renew to Your Imperial Highness the assurance of my highest consideration.

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I avail myself of the opportunity to renew to Your Imperial Highness the assurance of my highest consideration.

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ASSISTANT SECRETARY,
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No. 208. January 23, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

The Mixed Court Riots at Shanghai.

Claims presented at the American Consulate General by American citizens for damages resulting from the riot of December 18, 1905.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 208.
RJ.

January 23, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to transmit herewith the copies of correspondence recently exchanged between this Legation and the Consul General at Shanghai in connection with the filing of claims by American citizens in Shanghai who claim to have suffered through the riots which took place in the international settlement December 18th last.

I enclose also an editorial from a recent issue of the leading British newspaper of Shanghai, which indicates the views of the foreign press on this subject. I understand that claims for over 20,000 pounds have been filed by the British subjects on account of these riots, but I am not informed what action, if any, the British Government will take in the matter of presenting them. The claims by Germans and persons of other nationalities are very small- probably not larger than those our Consul General has received from our countrymen.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1. Mr. Rodgers to Mr. Rockhill, Dec. 28, 1905.
2. Mr. Rockhill to Mr. Rodgers, Jan. 6, 1906,(Telegram)
3. Mr. Rodgers to Mr. Rockhill, Jan. 8, 1906.
4. "N-C Daily News" Jan. 16, 1906.

Enclosures:

1. Mr. Cudahy to Mr. Bonsall, Dec. 23, 1902.
2. Mr. Bonsall to Mr. Cudahy, Jan. 2, 1903. (Telegram)
3. Mr. Cudahy to Mr. Bonsall, Jan. 8, 1903.
4. "The Daily News" Jan. 13, 1903.

Enclosure No. 1 in Despatch No. 208.

Mr. Rodgers to Mr. Rockhill.

Shanghai, December 28th, 1905.

S i r :

I have the honor to state as a consequence of the riot on December 18th there have been filed in this office up to date six claims for property destroyed or taken from Americans. I am not receiving any claims except those where direct damage can be proven. I request instructions from you as to procedure and pending receipt of your advice will do nothing.

I have the honor to be, Sir,

Your obedient servant,

(Signed) JAMES L. RODGERS.



BIRDS

TYPEWRITER

PAPER

Enclosure No. 2 in Despatch No. 208.

Mr. Rockhill to Mr. Rodgers.

(TELEGRAM)

Peking, January 6, 1906.

American Consul,

Shanghai.

Sixth. Your despatch number 173. Ask the Department of state instructions explaining why the Chinese Government must assume responsibility for losses in case. Cannot see myself not more than moral responsibility. You may receive claims direct losses but without assurance presentation unless you are authorized by the Department.

Rockhill.

Enclosure No. 2 in Despatch No. 220.

Mr. Rockhill to Mr. Rodgers.

(TELEGRAM)

Peking, January 6, 1906.

American Consul,

Shanghai.

Sixth. Your despatch number 173. Ask the Department of State instructions explaining why the Chinese Government must assume responsibility for losses in case. Cannot see myself not more than moral responsibility. You may receive claims direct losses but without assurance presentation unless you are authorized by the Department.

Rockhill.

Enclosure No. 3 in Despatch No. 208.

Mr. Rodgers to Mr. Rockhill.

Shanghai, January 8th, 1906.

S i r :

I have the honor to acknowledge receipt of your telegram of the 6th inst. reading:

(See Enclosure No. 2)

In reply to which I beg to say that this matter causes me embarassment for the reason that I thoroughly agree with you in your view of the responsibility of the Chinese Government, and therefore I cannot well explain by telegram or otherwise to the Department of State why the Chinese Government should assume the responsibility forthe losses. In a recent despatch, which you have not received as yet, I gave to you the reasons for the Chinese officials refusing to pay the losses, this being on account of the riot having taken place in the International settlement, which is entirely under foreign police supervision and control. The point seems to me to be so well taken that I cannot quite understand how foreign claims can be pressed successfully unless direct complicity of the Chinese officials with the rioters can be shown, and that I believe to be an impossibility, for the riot was essentially the inspiration of the mob, urged on, perhaps, by the action of the Cantonese guild.

The alleged American losses number seven and for nearly all of them I have scant respect. The items in several of them are padded as I believe, and the largest, involving injury to an automobile, appears on its face to be subject to question for more reasons than one. The total of these

Enclosure No. 3 in Despatch No. 708.

Mr. Rodgers to Mr. Rockhill.

Shanghai, January 8th, 1906.

Sir:

I have the honor to acknowledge receipt of your telegram of the 6th inst. reading:

(See Enclosure No. 2)

In reply to which I beg to say that this matter causes me embarrassment for the reason that I thoroughly agree with you in your view of the responsibility of the Chinese Government, and therefore I cannot well explain by telegram or otherwise to the Department of State why the Chinese Government should assume the responsibility for the losses. In a recent despatch, which you have not received as yet, I gave to you the reasons for the Chinese officials refusing to pay the losses, this being on account of the riot having taken place in the International settlement, which is entirely under foreign police supervision and control. The point seems to me to be so well taken that I cannot quite understand how foreign claims can be pressed successfully unless direct complicity of the Chinese officials with the rioters can be shown, and that I believe to be an impossibility, for the riot was essentially the inspiration of the mob, urged on, perhaps, by the action of the Cantonese Guild.

The alleged American losses number seven and for nearly all of them I have scant respect. The items in several of them are padded as I believe, and the largest, involving injury to an automobile, appears on its face to be subject to question for more reasons than one. The total of these

claims cannot be given as yet because several of them include damages for personal injury, but even with the full amounts given they will not exceed greatly 1500 taels., there having been another received since I wrote you. There is nothing pressing about any of them and to all of the claimants I have stated simply that I would receive their claims but could promise nothing as to presentation or payment until I had proper instructions from my Government.

Under these conditions I think it best to write to the Department instead of telegraphing, and this I will do immediately, asking for a telegraphic reply. If in the meanwhile you think the matter of enough importance to demand telegraphhic advices to Washington, I will telegraph upon receipt of that opinion from you. It will be a very hard matter, in my opinion, to make out a case against the Chinese and in that which I will say to the department, facts only will be stated, and the request will be made for an opinion. I trust that you will approve of this course.

I may add that there is every probability that certain Chinese merchants will bring suit against the Municipal Council for property lost, destroyed or stolen.

I have the honor to be, Sir,

Your obedient servant,

(Signed) JAMES L. RODGERS.

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I may add that there is every probability that certain Chinese merchants will bring suit against the Municipal Council for property lost, destroyed or stolen.

I have the honor to be, Sir,

Your obedient servant,

(Signed) JAMES L. HODGKINS.

Enclosure No. 4 in Despatch No. 208.

North-China Daily News.

IMPARTIAL NOT NEUTRAL.

SHANGHAI, 18th JANUARY, 1906

THE RIOT CLAIMS.

In the Municipal minutes published in our columns on Thursday morning, the Council defined its position in regard to the claim to be submitted to the Chinese Authorities for damage and losses of Municipal property caused by the riots of the 18th of December.

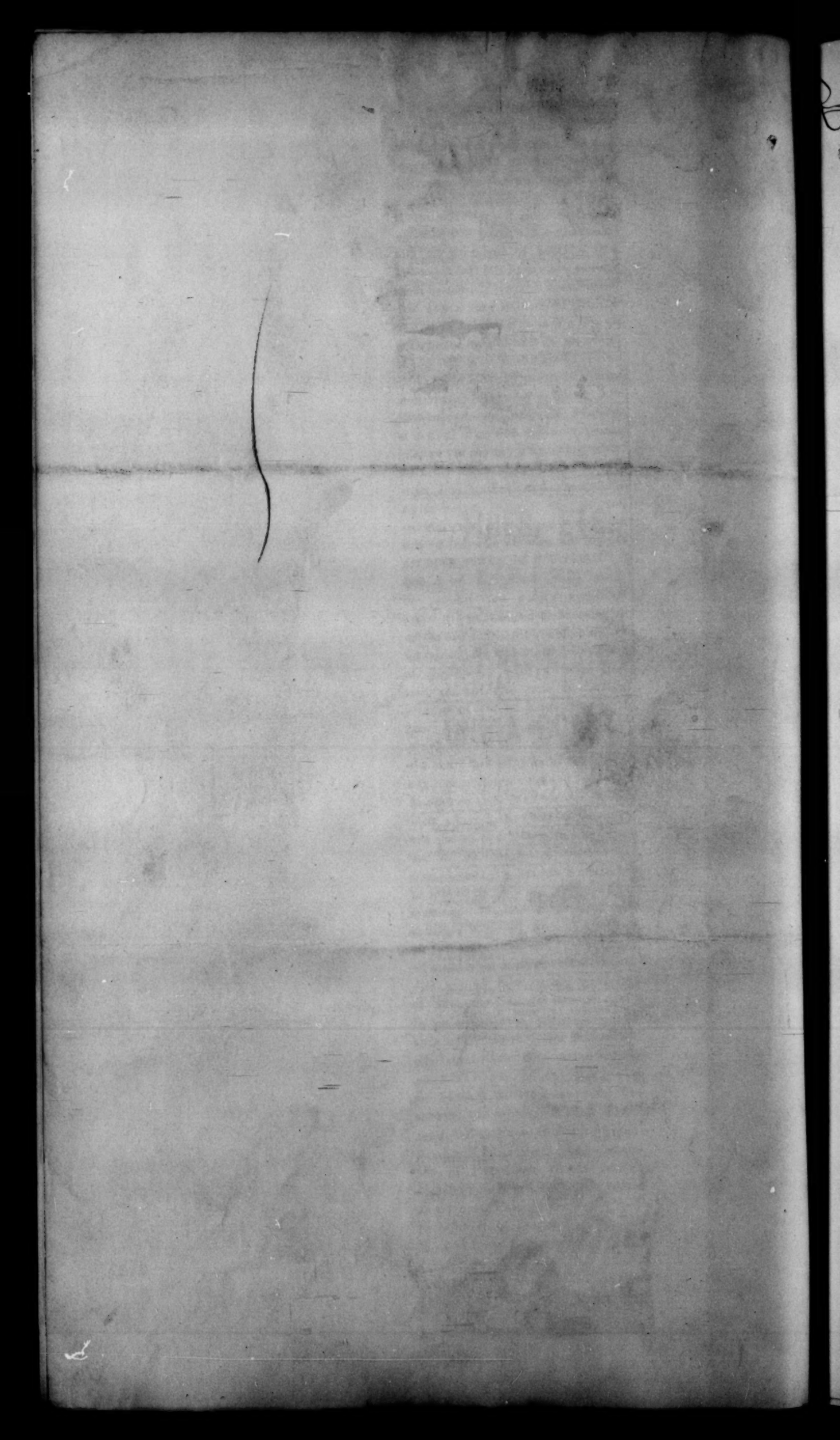
Our readers will have noticed that this claim is confined to the actual damages suffered and does not include the special expenses of Volunteers and other defence arrangements. The claim is justified by the Council on the ground "of the Taotai's responsibility for the incursion of disorderly characters into the Settlement," which is held to be a direct outcome of the violent agitation which the Chinese Authorities permitted to be carried on by public meetings in the native city; for the consequences of this agitation the Taotai who was warned in advance is very properly held responsible.

A telegram which we published from our Peking Correspondent on Saturday, announced that Great Britain intends to demand an indemnity on behalf of British subjects, to which the Waiwupu, as in duty bound, objects. In the absence of further information on the subject, it may reasonably be presumed that the American, German, and other Governments whose nationals have claims to submit, will adopt action identical with that of Great Britain.

Had it not been for the open support given by the Chinese Authorities to the forces that make for disorder, there would be no claim against the Chinese Government in respect of our local disturbances; for the Municipality, which rightly claims under the Land Regulations the duty of maintaining law and order in the Settlement, must accept the corresponding responsibility to prevent and suppress riots; but as matters stand, the argument stated by the Council is unassailable, though it might have been more politic and better calculated to attain the desired end if it had been carried to its logical conclusion and the responsibility fastened upon Yuan Taotai individually Since the riots, realising that the Representatives of the Foreign Powers concerned do not show a united front, the Chinese Government has taken heart of grace, and the Nanking Viceroy's action is accordingly characterised by impertinent obstruction and evasion, entirely characteristic of the present tendencies of native officialdom. It is generally understood, in spite of the overwhelming evidence of the present Taotai's unfitnesss for his post, that the Viceroy has recommended his retention in office until the Mixed Court matters are settled, which, if 30 years' experience is of any value, means for many years to come. The Mixed Court magistrates, Kuan and King, whose conduct of that notorious tribunal's affairs has recently come within measurable limits of insolence, are also commended by the higher authorities and retained in office while the Viceroy demands an international enquiry into the conduct of the Police. Under these circumstances, it is certain that unless our representatives in Peking take a strong stand, and unless the Chinese Government is made to realise that such a state of affairs will not be permitted to continue, it must be for the Foreign Community of Shanghai to protect its own interests by such means as may be available.

Supposing, for the purposes of argument, that the claims for damages incurred during the recent riots were abandoned, it appears to us inevitable that the ratepayers should take steps to make the cost of such outbreaks fall in future upon the native community. When Chinese residents were first admitted into the Settlement, they came under certain distinct conditions of privilege which they paid for accordingly by an annual poll-tax, under guarantees; until 1898 the privilege was indicated by discrimination in the matter of the house-tax, Chinese dwellings being assessed at a higher rate than that imposed on foreign houses. The Council of 1897 realising the invidiousness of inequality of treatment resolved to abandon this discrimination, and the taxes were accordingly placed on one and the same basis; but it is evident that if no remedy can be obtained for disturbances created by the disorderly class of Chinese, and if the good sense and influence of the better class cannot be made effective

to prevent such disorder, the Foreign Community will be fully justified in protecting itself by again imposing such an additional rate of taxation on Chinese residents as will provide for the maintenance of an adequate Police Force. We are of opinion that the Council would be well advised to intimate to the representatives of the Guilds, when their Consultative Committee is in working order, that such a step will be taken if circumstances hereafter prove its necessity; an intimation to this effect would no doubt go far toward eliciting such an expression and weight of public opinion amongst Chinese merchants and property-owners as would induce a more reasonable attitude in the official class. The same Chinese officials who are leading and supporting the present anti-foreign movement, have taken every advantage of the security afforded by the Settlement's good government to invest their money in land and buildings within our limits; to these it would undoubtedly come as a forcible argument for the maintenance of amicable relations and good order if they were made to understand that any further disturbances would result in certain penalties upon themselves and their Chinese fellow-residents. We do not ignore the fact that the Chinese (owing chiefly to the deplorable fact that they command a certain measure of foreign support) are even now contesting the right of the ratepayers to impose taxation, and that, if they persist in this policy, the very existence of the Settlement and of the vast interests therein involved becomes threatened; but it seems to us better that even this wide issue be definitely raised and fought out, than that we should continue to drift under the present policy of obstruction and friction. The present situation at Shanghai and the recent riots are but manifestations of tendencies universal throughout the Chinese Empire at the present moment; sooner or later it must become a question for the European Powers chiefly concerned in the commerce of the Far East to determine how the Chinese Government is to be permitted to indulge in these tendencies and what form of hostages shall be taken to ensure its more satisfactory behaviour for the future.



DIPLOMATIC BUREAU.

To Interior, for Com'r of Patents, to complete the file of correspondence in the matter.

Ack -

ASSISTANT SECRETARY, MAR 7 1906

DEP'T OF STATE MAR 8 1906 2ND ASSISTANT SECRETARY

INDEX BUREAU RECD. MAR 7 1906 DEPT. OF STATE

RECEIVED MAR 9 1906 DIPLOMATIC BUR. DEPT OF STATE

CHIEF CLERK MAR 7 DEPARTMENT OF STATE.

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Jan. 5 to Int.

No. 209.

January 25, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Trade Mark negotiations in China.

Enclosing copy of a note to the various Ministers interested, regarding the interpretation of the word "punishment" as used in the notes exchanged with them.

INDEX BUREAU MAR 26 1906 FILED

AMERICAN LEGATION,
PEKING, CHINA.

No. 209.
PJ.

January 25, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to acknowledge the receipt of the Department's despatch No. 70 of November 8th last, and unnumbered despatch of December 9th last, the former expressing the Department's views regarding the penalizing of infringements of trade marks and informing me that there is no Statute of the United States making the infringement, counterfeiting, etc., of a trade mark, criminal, and that the Department is of the opinion that the word "punishment" should not be used in the draft of notes exchanged.

On learning the Department's views as to the use of the word in question, I addressed a note to each of the Ministers with whom I had exchanged notes on the subject, a copy of which I enclose, informing them "that the word punishment must be understood to refer to a civil action only, and not to a criminal procedure as might be inferred from the use of the word without the present explanation added thereto".

I have also informed the various Consuls that the word punishment must not be interpreted to include a criminal offense, and have called to their attention Sections 16, 19, and 25 of our trade mark law (Act of February 20, 1905).

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosure: Mr. Rockhill to various Ministers, Jan. 22, 1906.

Enclosure in Despatch No. 209.

Mr. Rockhill to the Ministers of Great Britain, France, The Netherlands, Belgium, Germany and Italy.

Prking, January 22nd, 1906.

Mr. Minister and dear Colleague:

In connection with the notes which I had the honor to exchange with Your Excellency on

(Great Britain, June 28, 1905,
(France, October 3, 1905,
(The Netherlands, October 23, 1905,
(Belgium, November 27, 1905,
(Germany, December 6, 1905,
(Italy, December 18, 1905,

looking to the reciprocal protection from infringement by our respective nationals in China of trade marks belonging to them I duly transmitted copies of the same to my Government.

In reply the Secretary of State has called to my attention, as possibly misleading, the use made in my note to you of the word "punishment" by our Consular Courts in China of American citizens who may have infringed in China trade marks the property of persons under the jurisdiction of

(Great Britain,
(France,
(The Netherlands,
(Belgium,
(Germany,
(Italy,

In view of the fact that there is no statute in the United States making the infringement, counterfeiting, etc. of a trade mark a criminal offense, and that effectual provision exists by a civil action for damages by the owner of a trade mark, my Government is of the opinion that the word "punishment" should be understood to refer to a civil action only, and not to a criminal procedure, as might be inferred from the use of the word in question without the present explanation added thereto.

I beg leave to call Your Excellency's attention to the

above provision of our law, so that nothing in my note of

(June 28th,
(October 3rd,
(October 23rd,
(November 27th,
(December 6th,
(December 18th,

last, may be construed as conflicting therewith.

I avail myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

(Signed) W. W. ROCKHILL.

To Their Excellencies

(Sir Ernest Satow, G.C.M.G., E.E.M.P.,
(M. Dubail, E.E.& M.P.,
(A.J. van Citters, E.E.& M.P.,
(Edmond de Prelle de la Nieppe, Charge d'Affaires,
(Baron von Mumm, E.E.& M.P.,
(Carlo Baroli, E.E.& M.P.,

etc. etc. etc.,

(British Legation, Peking,
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(Italian Legation, Peking.

RECEIVED
MAR 22 1906
DEPT OF STATE

ASSISTANT SECRETARY,
MAR 17 1906

INDEX BUREAU
REC'D.
MAR 7 1906
DEPT. OF STATE

CHIEF CLERK
MAR 7 1906
DEPARTMENT OF STATE.

CONSULAR BUREAU
MAR 20 1906
DEPARTMENT OF STATE

No. 210.

January 25, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

J. H. Brown, of Tientsin.

Reported interview with the President. Enclosing clippings from the North China Herald relating to Mr. Brown's character.

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MAR 31 1906
FILED

AMERICAN LEGATION,
PEKING, CHINA.

No. 210.
PJ.

January 25, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to enclose herewith the copy of a letter from Mr. James H. McCann of Tientsin, together with newspaper clippings, one of which gives an interview between the President and a certain Mr. Brown of Tientsin concerning American interests in China. The other relates to Mr. Brown's record in Shanghai.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1. Mr. McCann to Mr. Rockhill, January 20, 1906,
2. Clipping from China Review, January 18, 1906,
3. Clippings from N-C Herald, January 6, 1905.

Enclosure No. 1 in Despatch No. 210.

Mr. M'Cann to Mr. Rockhill.

North China Mission of the American Board.

James H. McCann, Treasurer.

Tientsin, January 20, 1906.

Hon. W. W. Rockhill,

American Minister,

Peking.

Sir:

Under date of January 18th the "China Review" published the enclosed clipping, entitled: "Tientsin Brown talks with the U.S.A. President." The same was also published in the "Peking and Tientsin Times" and the "Evening News".

Had it not been for the fact that the "Associated Press" is considered a reliable source of information, I would have considered it unworthy of notice; but the weight of the Associated Press behind it and in view of the wide publicity obtained, I feel it my duty as a citizen of the United States and a representative of the American Board to call your attention to it.

The appearance of such an article was a source of unspeakable mortification to all good citizens of the United States who knew this man "Brown". His (Brown's) character can be ascertained on the records of the American Consulate at Shanghai. It is only a year ago that he denied his nationality at Shanghai in order to escape the clutches of the law, and later had to flee from the country.

Enclosure No. 2, clippings from the "North China Herald, January 6th, '05, gives a glimpse of what the man is or was and further evidence can be obtained from the files of the North China Herald during the winter of 1904-05, or from the

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Consular Records at Shanghai.

Brown was a merchant(!!) in Tientsin; a leading feature of his business was a saloon and gambling den. He was reported to be the owner of a place of ill-repute in Peking, and his career in Shanghai as proprietor of the Alhambra was notorious.

To think that such a character should be set before the world as an adviser of our respected and beloved President, fills every right-minded citizen with shame and indignation.

I am in strong hope that this extract, as published by the "Associated Press", is false, and if so I trust your nationals may have the pleasure of denying the allegation, at least in places where Brown's reputation is known and where this article was published.

It seems to me that Senator Fulton of Oregon should be put in possession of these facts. We cannot conceive of his presenting such a character to the honored head of our nation with this knowledge in his possession.

I respectfully request that you lay the facts concerning this man before the President, in case the clipping referred to is true. If it is not true I would further request that it be officially contradicted.

Trusting that you will excuse the liberty taken in thus intruding myself upon your attention, I remain, Sir,

Yours respectfully,

(Signed) JAMES H. M'CANN.

Consular Records at Shanghai.

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Yours respectfully,

(Signed) JAMES H. M'CANN.

Enclosure No. 2 in Despatch No. 210.

LEGATION OF THE UNITED STATES OF AMERICA;

Clipping from
"China Review" Jan. 18 '06

"Tientsin" Brown Talks with the U.S.A. President.

Accompanied by Senator Fulton, of Oregon, J. H. Brown, of Portland, who for many years has been engaged in business in Shanghai and Tientsin, China, had a talk with the President, on Dec. 5th, at Washington, about the boycott of American products by the Chinese guilds. During the interview, the situation as to the business of Americans in China was discussed fully, Mr. Brown being able to throw some new light on it.

He told the president that the boycott of American goods was incited by a former American consul in China who now is in the employ of the Chinese government. Despite the boycott, however, the business of American firms in China was increasing, year by year, and he expressed the opinion that it would be quite twenty per cent greater this year than it ever was before. He pointed out that in 1893 the United States had two lines of steamers operating between American and Chinese ports and now there are eight lines, all doing a tremendous business in carrying exports from this country to China.

Mr. Brown urged the president to use his influence to have established in Shanghai an American court, with a judge, marshal and clerk, to adjudicate cases now handled in consular courts. He said the Chinese had no confidence in the consular courts. It is the purpose of Senator Fulton to introduce a bill providing for such a court and it is understood that it will have such support as the president properly may give it. He already is on record in a message to congress in favour of such a court, and several of the leaders in congress are known to believe the establishment of the court would be wise. It is proposed that the court shall hold session in Shanghai, Tientsin and Canton.

Mr. Brown suggested to the president that it probably would not be wise for this government to show any signs of weakening in its stand on the Chinese exclusion law because of the boycott, as, if it did, the Chinese at Canton, from which the immigrants to this country principally come, would resort to the boycott whenever any action of this country did not please them.

During the interview the municipal situation in Shanghai was considered. The city is absolutely in control of the British, although thirteen nations are represented there by consuls and consuls-general. The British government controls all of the municipal officers and the taxes are enormous. The president suggested to Mr. Brown the he have a talk with Secretary Root regarding the regulations in Shanghai with a view to securing American representation on the municipal boards of Shanghai.

By request of the president Mr. Brown will submit to him a statement in writing of his views on the situation in China as it affects American interests.
—*Asso. Press.*

Enclosure No. 2 in Despatch No. 210

LEGATION OF THE UNITED STATES

of AMERICA.

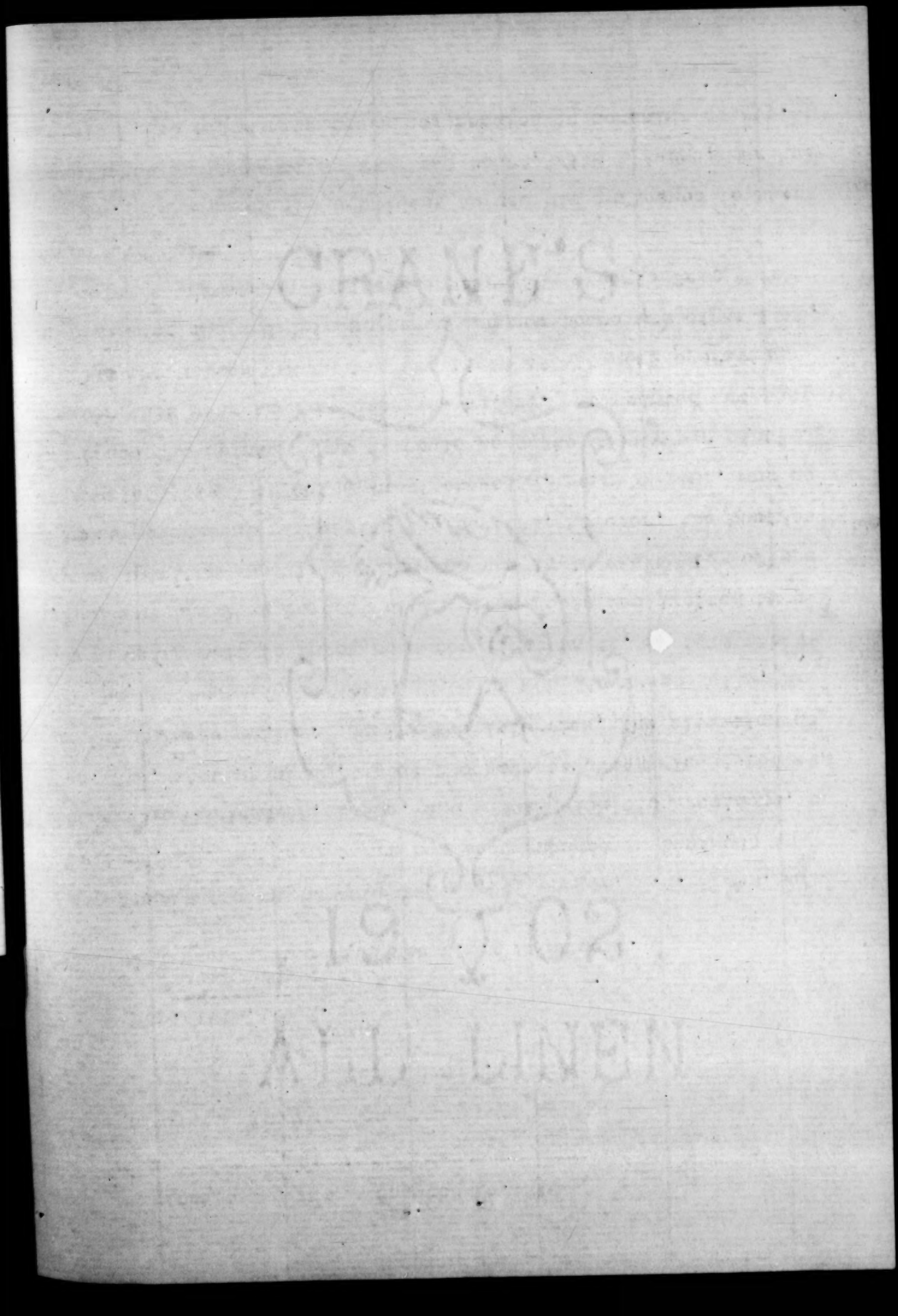
Clipping from "China Review"
Jan. 18th, 1906.

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He


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Enclosure No. 2 in Despatch No. 210.
Clipping from "The N-C Herald and
S. C. & C. Gazette."
January 6, 1905.

GERMAN CONSULAR COURT.
Shanghai, 3rd January.

Before Consul-General Knappe and Messrs. Borkowsky and R. Lundt, Assessors.

Kaiser v.J.H. Brown.

J.H. Brown was summoned to appear on a charge of being the proprietor or lessee of a public house, to wit the Alhambra, and permitting or allowing gambling to be carried on; this being an offence against Art. 285 of the German penal code; for each such offence accused being liable to a fine of $1,500.

Mr. Musso appeared and said that he received the summons late the preceding night. He had no instructions from Brown, but had wired to him for instructions. Brown had stated in Hongkong that he was an American citizan and his affidavits were on their way to America. His citizenship papers would probably be here within six weeks.

His Honour---Are you willing to represent Brown at this Court this morning?

Mr. Musso- No, I have no instructions.
Mr. Honour- Then you have no right to speak at all. The Court is public and you can listen to the proceedings, but you cannot speak.

Mr. Musso left the court.

His Honour went on to say that the Court language was German, but this case was of so much interest to the public that for their benefit the most important part of the proceedings

would

CRANE'S

ALL LINEN

would be conducted in English. There was no doubt that the summons had been correctly served, as he had before him a letter from Mr. Musso saying that Mr. Brown before leaving for Manilla had instructed him to state that he was not a German subject. As accused, through a representative, had declined the jurisdiction of the Court, this question would have to be gone into. His Honour had been informed by Mr. Goodnow that Brown was a German by birth and did not claim the citizenship of the United States. There was no objection to the Court taking him up in accordance with Art. 3 of the Order in Council of the 27th of October 1900, whereby it was laid down that a German Consular Court was competent in criminal cases against Germans by birth who had lost their nationality, if they had not acquired another nationality and if they were not recognized by any other authority. In this case letters had been addressed to Mr. Brown while he was still here, asking him to call at the Consulate on any day convenient to him between 10 a.m. and 12 noon to talk about his nationality and the jurisdiction he claimed. In reply the Court was informed that Brown was then in Ningpo, but that the letter would be handed to him on his return. However came to the consulate and a summons was therefore issued for him to appear on the 24th of December at 11 a.m. Brown did not appear, but on the same day left on the Coptic, under the name-as his Honour had been privately informed of-Pearce. Whether he went to the United States or Manilla the Court could not say. This showed, however, that he did not wish the question of the jurisdiction

of

would be conducted in English.

of the German Court examined at the Consulate or he would have come and stated whether he was under German jurisdiction or not. His Honour had addressed a letter to Mr. Davidson, Acting Consul for the United States, with the object of finding out whether the Court was competent or not. Mr. Musso's letter was enclosed. He had also written to Mr. Davidson again the previous day informing him of the date of hearing and offering to adjourn the hearing if Mr. Davidson wished.

Mr. Davidson came in at this moment and handed his Honour a letter, in which he said that the American Consulate had in its possession a declaration in which Brown stated that he was not a naturalized American citizen. He said that he had lived in the States for some time, but had not been naturalized there. There was, therefore, his Honour said, no question that at the moment the Court had jurisdiction over Brown. There had been, however, another protest against the German Court taking the matter up, in a letter from Mr. Castilho.

His Honour read this letter and other correspondence as follows:-

Kaiserlich Deutsches Generalkonsulat
fur China .
Shanghai, 31st December, 1904.

Sir,- In re J.H.,Brown, proprietor of the Alhambra, against whom a lawsuit is pending before this Court an order has been issued, copy of which is hereby enclosed. Therefore I beg to ask you to make the necessary arrangements to find out if there is any gambling going on and authorise herewith the Shanghai Municipal Police to enter any time the Alhambra and the compound

belonging

of the

belonging to it and to search and take in custody any article used for gambling purposes.

I am, Sir,

Yours faithfully,

gez. Dr. Knappe,

H.I.G.M.'s Consul-General.

To Captain A. M. Boisragon

Capt. Supt. of Police,

Shanghai.

Kaiserlich Deutsches Generalkonsulat
für China.

Shanghai, 31st December.

Sir and Dear Colleague,

I have the honour to send you herewith copy of an order issued by this Court in re against J. H. Brown and also copy of my letter of to-day's date to the Captain Superintendent of Police Mr. Boisragon, regarding the same matter.

I am, Sir and Dear Colleague,

Your obedient servant,

gez. Dr. Knappe,

H. I. G. M.'s Consul-General.

To the

Consul-General of Italy,
Commander C. Merazzini.

CONSULADO DE ESPANA.

Shanghai, 1st January, 1905.

Dear Sir and Colleague,

I am just informed that last night the S.M.P., it is said under your instructions, raided the premises of the Alhambra Hotel, seizing some gambling apparatuses, etc.

I think you are aware that the lessee of the Alhambra is a Spanish subject by the name of Perdomo: There was an Italian subject named Silvestro who had taken up the sub-lease of the first floor of the said premises, but since the 22nd of December last he has notified me that he had nothing more to do with the Alhambra as the sub-lease had been cancelled.

Under the circumstances if public gambling has been found going on at the Alhambra I will have to render the said Perdomo responsible for it and proceedings will at once be taken against him: I therefore request you to instruct the S. M. P. to deposit in this Consulate all the effects seized by them, as they are Spanish owned and as they will serve as evidence in the trial of the case.

Meanwhile, I cannot but express my surprise and regret at the fact that although the Alhambra is leased by a Spanish

subject

subject and I am the only authority who can authorise a forced entrance in a Spanish residence, last night's raid has been effected without the slightest reference being made to me, and as I know the kind and proper way you have always acted I feel confident that there must have been regrettable misunderstanding, which no doubt will be explained.

I am, Dear Sir and Colleague,

Yours faithfully,

H. G. DEL CASTILHO..

Dr. W. Knappe,

Consul-General for Germany.

Shanghai, 2nd January, 1905.

Kaiserlich Deutches

Generalkonsulat für China.

Sir and Dear Colleague,
re Alhambra.

Some time ago Mr. Goodnow informed me that J. H. Brown, the proprietor of the Alhambra, had declared in his Consular Court that he was a German by birth and had not acquired the citizenship of the U. S. during his residence there.

Mr. Goodnow further declared that he has no objection against the matter being taken in hand by the German Court.

I therefore addressed the enclosed letter to the Shang-

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hai Police on the 31st December last. At the same time I have sent a copy of it to Major Nerazzini, Consul-General of Italy, because your Court dismissed the case on the 16th December versus Perdomo Garcia, on the grounds that he had sublet part of the Alhambra to an Italian subject - Silvestro. If I had known that Perdomo were again responsible, I would have informed you.

I have not yet a report of the Police about the proceedings of Saturday night in my hands; but if I should see that any action has been taken against a Spanish subject, I shall refer the matter to you as far as a Spanish subject is concerned.

I have the honour to be,

Sir and Dear Colleague,

Your obedient servant,

DR. KNAPPE.

H. G. DEL CASTILHO, Esq.,

Consul for-Spain.----------

Kaiserlich Deutsches Generalkonsulat
für China.

Shanghai, 2nd January, 1905.

Sir and Dear Colleague,

Some time ago Mr. Goodnow informed me that a certain

J. H. Brown

J. H. Brown had declared in your Consular Court under oath that he was born in Germany and had not been naturalised in the U. S. during his residence there.

Mr. Goodnow further declared to me that he had no objections if the German Court took the matter in hand on account of J. H. Brown being under German jurisdiction, if he was a German by birth and had not acquired any other nationality or were not claimed by any other Consular authority as protégé.

I have issued a letter to the Shanghai Police (copy enclosed) in order to prosecute Mr. J. H. Brown for allowing public gambling on his premises.

I enclose copy of a letter addressed to me by Mr. G. D. Musso, dated 1st January, wherein he states that Mr. Brown is a naturalized American citizen.

I am prepared and only too happy to hand the matter over to you.

An early reply would oblige,

Your obedient servant,

DR. KNAPPE,

Consul-General.

Jas. M. Davidson, Esq.,
Acting Consul-General of the
U. S. of America.

In re J. H. BROWN.

Shanghai, 1st January, 1904.

Dear Sir,--

Having heard that there is a prosecution pending against my client, the above-named J. H. Brown, in your Consular Court, I have the honor to inform you that I was instructed by him, before his departure for Manila, to state that he is not a German subject, having been naturalised American subject during his stay in the United States; when he was brought before the U. S. Court in Shanghai he has not denied his citizenship, but has declared that he "was not in a position then to prove it"; since then he has sent to the States the necessary affidavits, and the papers proving his naturalisation are expected here within six weeks.

Mr. Brown is at present, I understand, in Manila, and his address is care of Messrs. Hartigan, Marple and Sollignac, Attorneys-at-law.

Asking you to kindly note the above,

I remain, etc.,

G. D. MUSSO.

Dr. Knappe,
H.I.G.M.'s Consul-General.

KAISERLICH DEUTSCHES GENERALKONSULAT für CHINA.

Shanghai, 2nd January, 1905.

S i r,-

S i r,--

I beg to acknowledge receipt of your letter of yesterday's date, informing me in your capacity as attorney of J. H. Brown of the Alhambra that the latter is an American citizen.

I have written to the Consul-General of the U. S. of America and asked him to take the matter in his hands.

Yours truly,

DR. KNAPPE.

G. D. Musso, Esq.,
Barrister-at-law.

AMERICAN CONSULAR SERVICE.

Shanghai, China, 3rd January, 1905.

Dr. Knappe,
H.I.G.M.'s Consul-General,
Shanghai.

Sir and Dear Colleague,--

In reply to your two communications of yesterday's date in which you inform me that Mr. G. D. Musso has addressed a letter to you wherein he states that Mr. J. H. Brown, who is connected with the Alhambra case, is a naturalized American citizen, I would state that this Consular Court possesses a declaration in which Mr. Brown declares that he "was not born

in

in the United States of America" and has "no proof that he is a citizen thereof."

There was no statement to the effect that he possessed evidence of his nationality which if time were given him he could produce, but instead the definite emphatic statement that "I have lived in the United States several years, but I have no proof that I am a citizen thereof." I therefore feel that this Consular Court is not in anyway concerned in the "Alhambra Case," and I accordingly have no objections to the trial of Mr. Brown being held in your Consular Court.

I have the honour to be,

Sir and Dear Colleague,

(Signed) JAMES W. DAVIDSON,

Vice-Consul-General in Charge,

Acting Judicially.

His Honour was informed that no consular representatives were present in Court.

Inspector McDowell, sworn, in reply to his Honour, said that from enquiries he had made he thought Brown was the proprietor of the Alhambra, because in a case against a man called Schwartz in the Spanish Court, in which Schwartz was charged with allowing to go on at the Alhambra a certain contract was produced in evidence in open Court which showed

that

that Brown was the proprietor of the Alhambra and grounds and that he leased it to Schwartz. In addition to this, evidence would be brought to show that Brown paid the taxes to the Municipal Council for police protection for the Alhambra. It was also shown by the evidence in the Spanish Court that Brown fitted up the Alhambra with furniture, and that he paid and engaged the employees of the hotel. On the 14th of September witness arrested Schwartz on a warrant in connection with certain information received from India. The documents at his house were seized, and among them was found a written contract between Brown and the bandmaster at the Alhambra.

His Honour read a copy of the contract which was signed at the Austrian Consulate and in which Brown signed as proprietor of the Alhambra. It was dated the 15th of June, 1904.

Witness said that as regards Brown knowing that gambling went on, he visited the Alhambra on the night of the 9th of July last. There was a roulette table on the ground floor. About thirty people were gambling round the table and Brown was present. Witness had a conversation with him about it, so that Brown must have known that gambling was going on. If the Court required evidence as to Brown fitting up the place, piles of bills could be produced. During the prosecu-

tion

tion of Schwartz at the Spanish Court, Brown came in and openly said that it was not prosecution but persecution and that he was interested in the Alhambra, having spent $50,000 on it. Witness had seen three contracts in reference to the Alhambra. The first was the one referred to between Brown and Schwartz, which was produced at the Spanish Court to show that Schwartz leased the Alhambra from Brown.

By His Honour--Witness had heard something about Schwartz paying Tls. 500 per month and 20 per cent of the profits, but he could not say this was a fact from his own knowledge. There was another contract signed on the 16th ult. When Garcia was brought up at the Spanish Consulate last month a contract was brought forward by a man called Silvestro showing that the top floor was leased to him. Witness was of opinion that these contracts were bogus. Perdomo Garcia was only a pauper, and Silvestro, was practically a street hawker. Witness had never seen them at the Alhambra and he was of opinion that they had not anything to do with the case. He thought the contracts were simply made to defeat the ends of justice. Garcia was a very poor man, and Silvestro did not appear to be a man of much standing, as witness had frequently seen him hawking figures and pictures in the streets. About six weeks ago, another raid was made on the Alhambra,

and

and a roulette table and gambling appliances were seized. Witness then saw public gambling going on there; anyone could take part, and gambling was going on to a great extent. Witness had seen gambling on three occasions. The last was on the 31st December, when, under instructions issued by his Honour, the Captain Superintendent, witness, and others raided the hotel at about 10.30 p.m. About 9.30 p.m. witness sent out two policemen with thirty marked dollars, and instructed them to go upstairs and see if they could gamble. These dollars were afterwards found among the money seized. Witness when he arrived, found the two policemen, and about twenty other persons gambling round a roulette table. There were apparently two men in charge. One was a man named Frankel and the other appeared to be a Filipino. Witness could not find Frankel registered anywhere. He had, however, received his photograph from Buenos Ayres, from which place Frankel was deported for importing women. He had also been deported from Manila. Frankel said that he was being paid $6 a day for running the tables, but he did not say who paid him. Most of the money was found in the croupier's drawer, which was open. There were a number of chips. Witness got these two men to stand by while the police counted the money. The money and the tables were taken to the Central Station. Frankel said that the

tables

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tables did not belong to him and witness thought there was no doubt that he was running them for Brown. There was no resistance to the police. Witness simply read the warrant and ordered all, except these two men, to leave the room. They were given a receipt for the money seized by the police, which amounted to about $2,160. Two roulette tables, a game in which horses were run round, and a number of chips were also seized.

Det.-Sergt. J. Burnside, sworn, said that on the 9th of July last he accompanied Inspector McDowell to the Alhambra, and witnessed gambling there. Witness spoke to Brown and from his remarks took him for the proprietor of the place. Brown did not then say that he had let the place to Schwartz, but when they seized Schwarts's documents they found a contract between the bandmaster and Brown. The furniture for the Alhambra came from Messrs. Vanel in the Nanking Road, and at witness's request a representative of that firm had come to Court with his books. Witness saw gambling going on on the 9th, 16th, and 17th July, and also on several occasions. Brown was present on every occasion. He was not in charge of the rouletts. The same person never seemed to be in charge twice; they changed about. From the way Brown was walking about the place it looked as if he was running

the

the show, and was proprietor of the place. Everyone was under the impression that Brown was head of the place. It was not private gambling, as everyone could play. Witness put some money on. On the 9th of July Inspector McDowell saw witness gambling. On the 16th of July the sergeant in charge of Carter Road station was present and saw witness gamble. On the 17th of July witness went to the Alhambra by himself and gambled. He had also gone at other dates, of which he had not kept a record, probably about three of four times and had witnessed gambling on each occasion. He was under the impression that the men looking after the tables were doing so on someone else's account. (Witness produced his official diary and drew his Honour's attention to the entry of the 19th of July in which it said that on that date he went to the Spanish Consulate, where he was shown a letter from Schwartz to the Spanish Consul saying that Brown was now proprietor of the Alhambra). Witness was present at the raid of the 31st of December. He saw gambling going on then. The man who was turning the roulette wheel was a Spanish subject. He did not know the names of the men who were running the tables. Witness assisted to take the roulette tables away, and so far as he knew no declarations were made. There was no resistance; about $2,000 were taken away. Most of the money was taken from the roulette tables. There

was

was also a table where horses ran round and round. When witness got into the room there were six or seven people besides the police. He was the last of the police to come in, and as there were several doors in the room it was possible that some of the players left before he arrived. About ten of the police entered before witness.

Sergeant Patrick Thornton, sworn, said that on the 20th November, he was at the Alhambra at 6 p.m. with a few friends. On the 26th November, he again went there and he had been there several times since. Gambling was always going on. Witness gambled, as anyone was allowed to do so. On the 20th November, Brown was present, but witness did not see him on any other occasions. He was looking on, apparently superintending the business. A small man, who looked like a Spaniard, was in charge of the tables; he seemed to be employed there. Brown was walking backwards and forwards. Witness went with Inspector McDowell to raid the hotel on the 31st December. They entered the Alhambra about 10.30, and witness was second in the room, coming in immediately behind McDowell. There were twenty or more persons seated round a table gambling. There were also five or six persons at another table. Witness saw the roulette wheel going round and drawer at the table was open. There were a number of

chips

chips about the size of a dollar. Witness explained how the gambling was carried on when he had visited the hotel on previous occasions. People who wished to gamble there usually bought a supply of these chips at the hotel. There was one man, who said that he was an Italian, sitting down by the side of the table. Witness had seen him there every time he went. One of the men said that he was employed there at $6 a day. No resistance was made.

By an Assessor--All the police went in plain clothes. There was a little trouble the first night witness went there. Two men quarelled and Brown told them to leave the room.

Arthur Henning, Inspector of taxes, sworn, said that he had never witnessed gambling at the Alhambra. Witness had stubs of receipts for money paid for police protection. The first one he collected was from Schwartz at Muirhead Road, as Brown was out. The second time he met Brown at the American Consulate and he paid it. The receipts were always made out in Brown's name. Schwartz paid the tax on the 16th June. Brown paid it on the 4th August. The last one collected was paid at the Alhambra to Mr. Mellows on the 17th October.

A representative from Vanel's was then called, and having been cautioned, said that he had done business with the Alhambra.

hambra. Brown bought all the furniture for the hotel from Vanel. On the 26th March he bought various furniture to the amount of $2,500, mostly dining room, not bedroom furniture. Brown paid by cheque. He did not buy any roulette tables from witness. At present Brown owed witness's firm $800 for goods sent to Tientsin.

The Court advised witness to send the account to Mr. Musso.

The Court then adjourned for a short time to come to a decision.

On resuming his Honour read an agreement between Perdomo and Schwartz. In this contract it was stated that J. H. Brown was proprietor of the Alhambra.

His Honour said that the Court found accused guilty, as proprietor of the Alhambra, a public house, of having allowed gambling to go on on the 9th, 16th, 17th July, 20th and 26th Nov., and the 31st December. For these offences he would be fined Marks 500, 600, 700, 1,000, 1,200, 1,500, which had been reduced to one fine of Marks 5,000. The gambling apparatus would be confiscated and destroyed. Accused would also have to pay the costs of these proceedings. The Court came to the conclusion that Brown having been born in Germany, and not having acquired any other nationality was under its

jurisdiction

jurisdiction. The Court further came to the conclusion that Brown was responsible for everything going on on the place. Brown made all the contracts and bought and paid for the furniture, he made the contract with the bandmaster, and was present on five different occasions when gambling was going on. Brown was considered by everyone present to be the responsible man and to have everything done on his account. Brown also settled the quarrel between two gambling parties. From this especially it appeared that he was the responsible man. The Court therefore came to the conclusion that everything was done for the account of Brown, and therefore the Court considered that the $2,000 odd found on the premises should be confiscated and be deducted from the fine.

LATE NEWS SUPPLEMENT

North-China Herald & S. C. & C. Gazette.

Friday, January 6, 1905.

THE ALHAMBRA CASE.

The raid made by the Municipal police on the Alhambra, under the warrant granted by the Spanish Consul and then alleged to be revoked, was a failure owing to the attitude taken by the Spanish Consul in circumstances which are fresh in everyone's memory. The Council came in for much undeserved abuse on the part of writers who professed to be as anxious as anyone to see gambling suppressed, and the Spanish Consul, by appealing to the dignity of his position and the rights of his nationals, succeeded in persuading a committee of the Consular Body to extort an expression of regret from the Municipal Council. Another attempt to suppress the Alhambra was frustrated by the representation that the Spanish lessee had sublet the upper rooms in which gambling was carried on to an Italian, though there was very little doubt that the real culprit was the owner of the property, a Mr. J. H. Brown, and that the Argentine, the Spaniard, and the Italian, between whom the responsibility was shifted about, so that the police should be sent on a wild goose chase from one Consular Court to another,

were

were merely the employees of Mr. Brown. We understand that Mr. Goodnow, before leaving, suggested to the Municipal Council that it should attack Mr. Brown instead of his tools, pointing out that as Mr. Brown was an adept in evading justice by changing his nationality when circumstances made it desirable, the Mixed Court would be the place to corral him. Mr. Brown, it will be remembered, when he was brought up in the American Court, repudiated American nationality, explaining that he was born in Germany. On this hint Dr. Knappe, the German Consul-General, promptly acted, and on the 31st of December last he asked the Captain-Superintendent of Police to "make the necessary arrangements to find out if there is any gambling going on, and authorise herewith the Municipal Police to enter any time the Alhambra and the compound belonging to it and to search and take in custody any article used for gambling purposes." The same night the Alhambra was successfully raided.

This was too much for the Spanish Consul, who evidently thought that as he has successfully prevailed on the whole consular Body on the previous occasion, he could easily make a single Consul give way. So Mr. Brown's Spanish stalking-horse, Mr. Perdomo Garcia, was trotted out, Mr. Perdomo being, according to the evidence of Inspector McDowell a man of straw.

As

As we have already said, when Mr. Perdomo was prosecuted at the Spanish Consular Court he got off under cover of an Italian sub-lessee; but on the 1st instant, the Spanish Consul writes to Dr. Knappe: "Under the circumstances, if public gambling has been found going on at the Alhambra (O sancta simplicitas!), I will have to render the said Perdomo responsible for it and proceedings will at once be taken against him; I therefore request you to instruct the S. M. P. to deposit in this Consulate all the effects seized by them, as they are Spanish-owned, and as they will serve as evidence in the trial of the case. Meanwhile I cannot but express my surprise and regret at the fact that although the Alhambra is leased by a Spanish subject, and I am the only authority who can authorize a forced entrance in a Spanish residence, last night's raid has been effected without the slightest reference being made to me, and as I know the kind and proper way you have always acted I feel confident that there must have been a regrettable misunderstanding, which no doubt will be explained." Dr. Knappe had taken pains to make sure that neither the American Consul-General, Mr. Goodnow, nor the Acting Consul-General, Mr. Davidson, would recognize Mr. Brown as an American citizen, and his answer to the Spanish Consul was courteous and conclusive:

"Your

"Your Court dismissed the case on the 10th December versus Perdomo Garcia, on the ground that he had sublet part of the Alhambra to an Italian subject - Silvestro. If I had known that Perdomo were again responsible, I would have informed you." Mr. Musso, counsel for Mr. Brown, made a despairing effort to show that the latter really was an American citizen but it was, of course, fruitless, and the trial of Mr. Brown went on in the German Court, the accused being according to Mr. Musso, in Manila. The evidence brought forward by the Police was conclusive that Mr. Brown was the substantial owner of the Alhambra, and that Schwartz and Perdomo and Silvestro, and another man named Frankel, who was deported from Buenos Aires for importing women, and had also been deported from Manila, were merely his instruments.

Mr. Brown was convicted and fined a lump sum of 5,000 marks (£250) and the costs of the proceedings, and the gambling apparatus found was ordered to be confiscated and destroyed. Dr. Knappe summed up the evidence against Brown very clearly and concisely in his judgment:--

> The Court came to the conclusion that Brown having been born in Germany, and not having acquired any other nationality was under its jurisdiction. The Court further came to the conclusion that Brown was responsible for everything going on in the place. Brown made

made all the contracts and bought and paid for the furniture, he made the contract with the bandmaster, and was present on five different occasions when gambling was going on. Brown was considered by everyone present to be the responsible man and to have everything done on his account. Brown also settled the quarrel between two gambling parties. From this especially it appeared that he was the responsible man. The Court therefore came to the conclusion that everything was done for the account of Brown, and therefore the Court considered that the $2,000 odd found on the premises should be confiscated and be deducted from the fine.

No doubt the Spanish Consul is really as anxious as any of his colleagues to suppress such an establishment as the Alhambra, and it is unfortunate that he should have felt himself obliged to lose sight of the good the Council were doing in his objection to the way in which it was done. Had he enquired a little more deeply in the matter, he would have found that his Consulate was being made use of by the man of many countries, Brown, as a cloak, and he would surely have refused to allow himself to be made a means of evading justice. However, all's well that ends well, and we have to thank the Council and Dr. Knappe for the extinction of the Alhambra as a gambling hell. The community owe a special debt of gratitude to the Council for persisting in their efforts to remove this plague-spot in the face of so much misrepresentation and discouragement.

Enclosure No. 2 in Despatch No. 210

Law Reports

H. B. M. SUPREME COURT.

At Hankow, 15th, 22nd Dec.

Before Sir HIRAM S. WILKINSON, Chief Justice.

JUNG TAH, HUNG YUEN, TSING CHONG, YE TUNG-THEONG, AND VOW CHEANG BANKS *v.* THE CHARTERED BANK OF INDIA, AUSTRALIA AND CHINA, LD.

This was a suit for a joint amount of about Tls. 45,000 on certain promissory notes which, it was alleged, bore the chop of defendants' compradore. The issue really depended upon whether the compradore in using this chop was acting as an agent of the bank.

Mr. Morgan Phillips appeared for the plaintiffs and Mr. W. A. C. Platt for the defendants.

Mr. Phillips opened with a lengthy speech in which he referred to the case of Wong Lon-ging v. David Sassoon and Sons, which was tried at Tientsin ("North-China Herald," 19th November, 1884, pp. 576 and 609). He submitted that the facts in this case were even stronger. The banks were reputable ones and were carried on in a strict business way. Since foreign banks had been started in Hankow the native banks had done regular business with them. The defendant bank consisted of two departments, the first composed of foreigners doing business with foreigners the second the compradore to do business with Chinese. The question was did the defendants allow their compradore to act in such a manner as to lead plaintiffs to believe he was a general agent of the bank, having authority to transact these loans? Counsel cited many cases to support his contention. With regard to the chop plaintiffs asserted that the compradore had authority to use it. To them the chop was the signature of the bank. It was the chop used ever since the Bank was established in Hankow, and its possession by the compradore was the sign of his office.

Evidence was taken from parties representing all the banks and it was not until the 20th Dec. that the defence began

Mr. Platt only addressed the Court very briefly in opening. Defendants denied plaintiffs' allegations in toto. The chop, they contended, was a private one and had nothing to do with the bank.

The 20th and 21st Dec. were spent almost entirely in taking the evidence of Mr. W. L. Livingston, the defendants' manager. His Lordship called Messrs. A. M. Reith and H. A. Stewart of the Hongkong and Shanghai Bank, and the Russo-Chinese Bank respectively, as expert witnesses on the banking customs and practice in Hankow. Mr. R. W. Robertson, the defendants' sub-accountant, also gave evidence. The compradore when called stated that the chop was his private affair and not the bank's, and threw the blame for the promissory notes on the shroff Yu Ching-yü, who, he said, had used his chop and practically ruined him. This shroff, who is in gaol, said that he took the whole blame for the affair last January in order to shield the compradore. As a matter of fact they were both concerned.

At the conclusion of the evidence the further hearing was adjourned to Shanghai, where the suit will be argued in the Supreme Court.

H. B. M. POLICE COURT.

Shanghai, 3rd January.

Before J. C. E DOUGLAS, Esq., Police Magistrate.

R. v. GEORGE SANDS.

George Sands, unemployed, of Miller Road, was charged with carrying a loaded fire-arm in Scott Road at 1.15 a.m. on the 3rd instant, not being a person authorised so to do, and in contravention of Municipal By-law No. 37.

The defendant admitted the truth of the charge.

Native P.C. 477 gave evidence that at 1.30 a.m. on the 3rd instant he was going along Scott Road in an easterly direction and the defendant was coming along in a westerly direction. The defendant had a pistol in his hand and was firing it as he walked along, pointing it at the ground. An Indian constable came up on hearing the shots and asked who was firing. Witness told him that the defendant had been firing a revolver. The Indian went up to get the pistol and the defendant pointed the weapon at him. The Indian took the defendant to the police station, and he went quietly. The defendant did not seem to be much the worse for liquor.

The defendant said he did not point the pistol at the Indian. He bought the weapon for $40 between 5 and 6 p.m. on the 2nd instant from a man who was leaving for Hongkong and was hard up for money. He stayed in town rather late, and on making his way home he went by way of Scott Road instead of going along Boone Road as he usually did. In Scott Road he heard some fire-crackers being let off, and more in fun than anything else he discharged his revolver into the ground. It was done on the impulse of the moment and without malice. He had had no trouble with anyone.

In reply to his Worship, the defendant said that it did not strike him as being a dangerous thing to do. The way he fired the revolver could not have hurt anybody. He was a sea-faring man and was not employed at present. He had been laid up with a spell of fever for two months. He had been in Shanghai several times. The last time he had been here about a year, but had been away three months of that time. He was a Canadian and in Canada people were allowed to fire revolvers.

His Worship fined the defendant $10 for carrying fire-arms and told him that he was getting off very lightly, as several charges might have been preferred against him, and he might have been indicted. The Court would make an order subsequently as to what was to be done with the fire-arm.

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CLEAR SKIN

GERMAN CONSULAR COURT.

Shanghai, 3rd January.

Before Consul-General KNAPPE and Messrs. BORKOWSKY and R. LUNDT, Assessors.

KAISER *v.* J. H. BROWN.

J. H. Brown was summoned to appear on a charge of being the proprietor or lessee of a public house, to wit the Alhambra, and permitting or allowing gambling to be carried on; this being an offence against Art. 285 of the German penal code; for each such offence accused being liable to a fine of $1,500.

Mr. Musso appeared and said that he received the summons late the preceding night. He had no instructions from Brown, but had wired to him for instructions. Brown had stated in Hongkong that he was an American citizen and his affidavits were on their way to America. His citizenship papers would probably be here within six weeks.

His Honour—Are you willing to represent Brown at this Court this morning?

Mr. Musso—No, I have no instructions.

Mr. Honour—Then you have no right to speak at all. The Court is public and you can listen to the proceedings, but you cannot speak.

Mr. Musso left the Court.

His Honour went on to say that the Court language was German, but this case was of so much interest to the public that for their benefit the most important part of the proceedings would be conducted in English. There was no doubt that the summons had been correctly served, as he had before him a letter from Mr. Musso saying that Mr. Brown before leaving for Manila had instructed him to state that he was not a German subject. As accused, through a representative, had declined the jurisdiction of the Court, this question would have to be gone into. His Honour had been informed by Mr. Goodnow that Brown was a German by birth and did not claim the citizenship of the United States. There was no objection to the Court taking him up in accordance with Art. 3 of the Order in Council of the 27th of October 1900, whereby it was laid down that a German Consular Court was competent in criminal cases against Germans by birth who had lost their nationality, if they had not acquired another nationality and if they were not recognised by any other authority. In this case letters had been addressed to Mr. Brown while he was still here, asking him to call at the Consulate on any day convenient to him between 10 a.m. and 12 noon to talk about his nationality and the jurisdiction he claimed. In reply the Court was informed that Brown was then in Ningpo, but that the letter would be handed to him on his return. He never came to the Consulate and a summons was therefore issued for him to appear on the 24th of December at 11 a.m. Brown did not appear, but on the same day left on the Coptic, under the name—as his Honour had been

privately informed—of Pearce. Whether he went to the United States or Manila the Court could not say. This showed, however, that he did not wish the question of the jurisdiction of the German Court examined at the Consulate or he would have come and stated whether he was under German jurisdiction or not. His Honour had addressed a letter to Mr. Davidson, Acting Consul for the United States, with the object of finding out whether the Court was competent or not. Mr. Musso's letter was enclosed. He had also written to Mr. Davidson again the previous day, informing him of the date of hearing and offering to adjourn the hearing if Mr. Davidson wished.

Mr. Davidson came in at this moment and handed his Honour a letter, in which he said that the American Consulate had in its possession a declaration in which Brown stated that he was not a naturalised American citizen. He said that he had lived in the States for some time, but had not been naturalised there. There was, therefore, his Honour said, no question that at the moment the Court had jurisdiction over Brown. There had been, however, another protest against the German Court taking the matter up, in a letter from Mr. Castilho.

His Honour read this letter and other correspondence as follows :—

Kaiserlich Deutsches Generalkonsulat
für China.
Shanghai, 31st December, 1904.

Sir,—In re J. H. Brown, proprietor of the Alhambra, against whom a lawsuit is pending before this Court an order has been issued, copy of which is hereby enclosed. Therefore I beg to ask you to make the necessary arrangements to find out if there is any gambling going on and authorise herewith the Shanghai Municipal Police to enter any time the Alhambra and the compound belonging to it and to search and take in custody any article used for gambling purposes.

I am, Sir,
Yours faithfully,
gez. Dr. Knappe,
H. I. G. M.'s Consul-General.

To Captain A. M. Boisragon,
Capt. Supt. of Police
Shanghai.

Kaiserlich Deutsches Generalkonsulat
für China.
Shanghai, 31st December.

Sir and Dear Colleague,—I have the honour to send you herewith copy of an order issued by this Court in re against J. H. Brown and also copy of my letter of to-day's date to the Captain Superintendent of Police Mr. Boisragon, regarding the same matter.

I am, Sir and Dear Colleague,
Your obedient servant,
gez. Dr. Knappe,
H. I. G. M.'s Consul-General.

To the Consul-General of Italy
Commander C. Nerazzini.

Consulado de Espana.
Shanghai, 1st January, 1905.

Dear Sir and Colleague,—I am just informed that last night the S. M. P., it is said under your instructions, raided the premises of the Alhambra Hotel, seizing some gambling apparatuses, etc.

I think you are aware that the lessee of the Alhambra is a Spanish subject by the name of Perdomo: There was an Italian subject named Silvestro who had taken up the sub-lease of the first floor of the said premises, but since the 22nd of December last he has notified me that he had nothing more to do with the Alhambra as the sub-lease had been cancelled.

Under the circumstances if public gambling has been found going on at the Alhambra I will have to render the said Perdomo responsible for it and proceedings will at once be taken against him : I therefore request you to instruct the S. M. P. to deposit in this Consulate all the effects seized by them, as they are Spanish owned and as they will serve as evidence in the trial of the case.

Meanwhile, I cannot but express my surprise and regret at the fact that although the Alhambra is leased by a Spanish subject and I am the only authority who can authorise a forced entrance in a Spanish residence, last night's raid has been effected without the slightest reference being made to me, and as I know the kind and proper way you have always acted I feel confident that there must have been regrettable misunderstanding, which no doubt will be explained.

I am, Dear Sir and Colleague,
Yours faithfully,
H. G. del Castilho.

Dr. W. Knappe,
Consul-General for Germany.

Shanghai, 2nd January, 1905.

Kaiserlich Deutsches
Generalkonsulat für China.

Sir and Dear Colleague,
re Alhambra.

Some time ago Mr. Goodnow informed me that J. H. Brown, the proprietor of the Alhambra, had declared in his Consular Court that he was a German by birth and had not acquired the citizenship of the U. S. during his residence there.

Mr. Goodnow further declared that he has no objections against the matter being taken in hand by the German Court.

I therefore addressed the enclosed letter to the Shanghai Police on tbe 31st December last. At the same time I have sent a copy of it to Major Nerazzini, Consul-General of Italy, because your Court dismissed the case on the 16th December versus Perdomo Garcia, on the grounds that he had sublet part of the Alhambra to an Italian subject—Silvestro. If I had known that Perdomo were again responsible, I would have informed you.

I have not yet a report of the Police about the proceedings of Saturday night in my hands ; but if I should see that any action has been taken against a Spanish subject, I shall refer the matter to you as far as a Spanish subject is concerned.

I have tha honour to be,
Sir and Dear Colleague,
Your obedient servant,
Dr. Knappe.

H. G. del Castillo, Esq.,
Consul for Spain.

Kaiserlich Deutsches Generalkonsulat
für China.
Shanghai, 2nd January, 1905.

Sir and Dear Colleague,—Some time ago Mr. Goodnow informed me that a certain J. H. Brown had declared in your Consular Court under oath that he was born in Germany and had not been naturalised in the U. S. during his residence there.

Mr. Goodnow further declared to me that he had no objections if the German Court took the matter in hand on account of J. H. Brown being under German jurisdiction, if he was a German by birth and had not acquired any other nationality or were not claimed by any other Consular authority as protégé.

I have issued a letter to the Shanghai Police (copy enclosed) in order to prosecute Mr. J. H. Brown for allowing public gambling on his premise.

I enclose copy of a letter addressed to me by Mr. G. D. Musso, dated 1st January, wherein he states that Mr. Brown is a naturalised American citizen.

I am prepared and only too happy to hand the matter over to you.

An early reply would oblige,
Your obedient servant,
Dr. Knappe,
Consul-General.

Jas. M. Davidson, Esq.
Acting Consul-General of the
U. S. of America.

In re J. H. Brown.
Shanghai, 1st January, 1904.

Dear Sir,—Having heard that there is a prosecution pending against my client, the above-named J. H. Brown, in your Consular Court, I have the honour to inform you that I was instructed by him, before his departure for Manila, to state that he is not a German subject, having been naturalised American subject during his stay in the United States ; when he was brought before the U. S. Court in Shanghai he has not denied his citizenship, but has declared that he "was not in a position then to prove it"; since then he has sent to the States the necessary affidavits, and the papers proving his naturalisation are expected here within six weeks.

Mr. Brown is at present, I understand, in Manila, and his address is care of Messrs. Hartigan, Marple and Sollignac, Attorneys-at-law.

Asking you to kindly note the above,
I remain, etc.,
G. D. Musso.

Dr. Knappe,
H. I. G. M.'s Consul-General.

Kaiserlich Deutsches Generalkonsulat
für China.
Shanghai, 2nd January, 1905.

Sir,—I beg to acknowledge receipt of your letter of yesterday's date, informing me in your capacity as attorney of J. H. Brown of the Alhambra that the latter is an American citizen.

I have written to the Consul-General of the U. S. of America and asked him to take the matter in his hands.

Yours truly,
Dr. Knappe.

G. D. Musso, Esq.,
Barrister-at-law.

American Consular Service.
Shanghai, China, 3rd January, 1905.

Dr. Knappe,
H. I. G. M.'s Consul-General,
Shanghai.

Sir and Dear Colleague,—In reply to your two communications of yesterday's date in which you inform me that Mr. G. D. Musso has addressed a letter to you wherein he states that Mr. J. H. Brown, who is connected with the Alhambra case, is a naturalised American citizen, I would state that this Consular Court possesses a declaration in which Mr. Brown declares that he "was not born in the United States of America" and has "no proof that he is a citizen thereof."

There was no statement to the effect that he possessed evidence of his nationality which if time were given him he could produce, but instead the definite, emphatic statement that "I have lived in the United States several years, but I

have no proof that I am a citizen thereof." I therefore feel that this Consular Court is not in any way concerned in the "Alhambra Case," and I accordingly have no objections to the trial of Mr. Brown being held in your Consular Court.

I have the honour to be,
Sir and Dear Colleague,
(Signed) JAMES W. DAVIDSON,
Vice-Consul-General in Charge,
Acting Judicially.

His Honour was informed that no consular representatives were present in Court.

Inspector McDowell, sworn, in reply to his Honour, said that from enquiries he had made he thought Brown was the proprietor of the Alhambra, because in a case against a man called Schwartz in the Spanish Court, in which Schwartz was charged with allowing gambling to go on at the Alhambra a certain contract was produced in evidence in open Court which showed that Brown was the proprietor of the Alhambra and grounds and that he leased it to Schwartz. In addition to this, evidence would be brought to show that Brown paid the taxes to the Municipal Council for police protection for the Alhambra. It was also shown by the evidence in the Spanish Court that Brown fitted up the Alhambra with furniture, and that he paid and engaged the employees of the hotel. On the 14th of September witness arrested Schwartz on a warrant in connection with certain information received from India. The documents at his house were seized, and among them was found a written contract between Brown and the bandmaster at the Alhambra.

His Honour read a copy of the contract which was signed at the Austrian Consulate and in which Brown signed as proprietor of the Alhambra. It was dated the 15th of June, 1904.

Witness said that as regards Brown knowing that gambling went on, he visited the Alhambra on the night of the 9th of July last. There was a roulette table on the ground floor. About thirty people were gambling round the table and Brown was present. Witness had a conversation with him about it, so that Brown must have known that gambling was going on. If the Court required evidence as to Brown fitting up the place, piles of bills could be produced. During the prosecution of Schwartz at the Spanish Court, Brown came in and openly said that it was not prosecution but persecution and that he was interested in the Alhambra, having spent $50,000 on it. Witness had seen three contracts in reference to the Alhambra. The first was the one referred to between Brown and Schwartz, which was produced at the Spanish Court to show that Schwartz leased the Alhambra from Brown.

By His Honour—Witness had heard something about Schwartz paying Tls. 500 per month and 20 per cent of the profits, but he could not say this was a fact from his own knowledge. There was another contract signed on the 16th ult. When Garcia was brought up at the Spanish Consulate last month a contract was brought forward by a man called Silvestro showing that the top floor was leased to him. Witness was of opinion that these contracts were bogus. Perdomo Garcia was only a pauper, and Silvestro, was practically a street hawker. Witness had never seen them at the Alhambra and he was of opinion that they had not anything to do with the case. He thought the contracts were simply made to defeat the ends of justice. Garcia was a very poor man, and Silvestro did not appear to be a man of much standing, as witness had frequently seen him hawking figures and pictures in the streets. About six weeks ago another raid was made on the Alhambra, and a roulette table and gambling appliances were seized. Witness then saw public gambling going on there; anyone could take part, and gambling was going on to a great extent. Witness had seen gambling on three occasions. The last was on the 31st December, when, under instructions issued by his Honour, the Captain Superintendent, witness, and others raided the hotel at about 10.30 p.m. About 9.30 p.m. witness sent out two policemen with thirty marked dollars, and instructed them to go upstairs and see if they could gamble. These dollars were afterwards found among the money seized. Witness when he arrived, found the two policemen, and about twenty other persons gambling round a roulette table. There were apparently two men in charge. One was a man named Frankel and the other appeared to be a Filipino. Witness could not find Frankel registered anywhere. He had, however, received his photograph from Buenos Ayres, from which place Frankel was deported for importing women. He had also been deported from Manila. Frankel said that he was being paid $6 a day for running the tables, but he did not say who paid him. Most of the money was found in the croupier's drawer, which was open. There were a number of chits. Witness got these two men to stand by while the police counted the money. The money and the tables were taken to the Central Station. Frankel said that the tables did not belong to him and witness thought there was no doubt that he was running them for Brown. There was no resistance to the police. Witness simply read the warrant and ordered all, except these two men, to leave the room. They were given a receipt for the money seized by the police, which amounted to about $2,160. Two roulette tables, a game in which horses were run round, and a number of chits were also seized.

Det.-Sergt. J. Burnside, sworn, said that on the 9th of July last he accompanied Inspector McDowell to the Alhambra, and witnessed gambling there. Witness spoke to Brown and from his remarks took him for the proprietor of the place. Brown did not then say that he had let the place to Schwartz, but when they seized Schwartz's documents they found a contract between the bandmaster and Brown. The furniture for the Alhambra came from Messrs. Vanel in the Nanking Road, and at witness's request a representative of that firm had come to Court with his books. Witness saw gambling going on on the 9th, 16th, and 17th July, and also on several other occasions. Brown was present on every occasion. He was not in charge of the roulette. The same person never seemed to be in charge twice; they changed about. From the way Brown was walking about the place it looked as if he was running the show, and was proprietor of the place. Everyone was under the impression that Brown was head of the place. It was not private gambling, as everyone could play. Witness put some money on. On the 9th of July Inspector McDowell saw witness gambling. On the 16th of July the sergeant in charge of Carter Road station was present and saw witness gamble. On the 17th of July witness went to the Alhambra by himself and gambled. He had also gone at other dates, of which he had not kept a record, probably about three or four times and had witnessed gambling on each occasion. He was under the impression that the men looking after the tables were doing so on someone else's account. (Witness produced his official diary and drew his Honour's attention to an entry of the 19th of July in which it said that on that date he went to the Spanish Consulate, where he was shown a letter from Schwartz to the Spanish Consul saying that Brown was now proprietor of the Alhambra). Witness was present at the raid of the 31st of December. He saw gambling going on then. The man who was turning the roulette wheel was a Spanish subject. He did not know the names of the men who were running the tables. Witness assisted to take the roulette tables away, and so far as he knew no declarations were made. There was no resistance; about $2,000 were taken away. Most of the money was taken from the roulette tables. There was also a table where horses ran round and round. When witness got into the room there were six or seven people besides the police. He was the last of the police to come in, and as there were several doors in the room it was possible that some of the players left before he arrived. About ten of the police entered before witness.

Sergeant Patrick Thornton, sworn, said that on the 20th November, he was at the Alhambra at 6 p.m. with a few friends. On the 26th November, he again went there and he had been there several times since. Gambling was always going on. Witness gambled, as any-one was allowed to do so. On the 20th November, Brown was present, but witness did not see him on any other occasions. He was looking on, apparently superintending the business. A small man, who looked like a Spaniard, was in charge of the tables; he seemed to be employed there. Brown was walking backwards and forwards. Witness went with Inspector McDowell to raid the hotel on the 31st December. They entered the Alhambra about 10.30, and witness was second in the room, coming in immediately behind McDowell. There were twenty or more persons seated round a table gambling. There were also five or six persons at another table. Witness saw the roulette wheel going round and drawer at the table was open. There were a number of chips about the size of a dollar. Witness explained how the gambling was carried on when he had visited the hotel on previous occasions. People who wished to gamble there usually bought a supply of these chips at the hotel. There was one man, who said that he was an Italian, sitting down by the side of the table. Witness had seen him there every time he went. One of the men said that he was employed there at $6 a day. No resistance was made.

By an Assessor—All the police went in plain clothes. There was a little trouble the first night witness went there. Two men quarrelled and Brown told them to leave the room.

Arthur Henning, Inspector of taxes, sworn, said that he had never witnessed gambling at the Alhambra. Witness had stubs of receipts for money paid for police protection. The first one he collected was from Schwartz at Muirhead Road, as Brown was out. The second time he met Brown at the American Consulate and he paid it. The receipts were always made out in Brown's name. Schwartz paid the tax on the 16th June. Brown paid it on the 4th August. The last one collected was paid at the Alhambra to Mr. Mellows on the 17th October.

A representative from Vanel's was then called, and having been cautioned, said that he had done business with the Alhambra. Brown bought all the furniture for the hotel from Vanel. On the 26th March he bought various furniture to the amount of $2,500, mostly dining room, not bedroom furniture. Brown paid by cheque. He did not buy any roulette tables from witness. At present Brown owed witness's firm $800 for goods sent to Tientsin.

The Court advised witness to send the account in to Mr. Musso.

The Court then adjourned for a short time to come to a decision.

On resuming his Honour read an agreement between Perdomo and Schwartz. In this contract it was stated that J. H. Brown was proprietor of the Alhambra.

His Honour said that the Court found accused guilty, as proprietor of the Alhambra, a public house, of having allowed gambling to go on on the 9th, 16th, 17th July, 20th and 26th Nov., and the 31st December. For these offences he would be fined Marks 500, 600, 700, 1,000, 1,200, 1,500, which had been reduced to one fine of Marks 5,000. The gambling apparatus would be confiscated and destroyed. Accused would also have to pay the costs of these proceedings. The Court came to the conclusion that Brown having been born in Germany, and not having acquired any other nationality was under its jurisdiction. The Court further came to the conclusion that Brown was responsible for everything going on in the place. Brown made all the contracts and bought and paid for the furniture, he made the contract with the bandmaster, and was present on five different occasions when gambling was going on. Brown was considered by everyone present to be the responsible man and to have everything done on his account. Brown also settled the quarrel between two gambling parties. From this especially it appeared that he was the responsible man. The Court therefore came to the conclusion that everything was done for the account of Brown, and therefore the Court considered that the $2,000 odd found on the premises should be confiscated and be deducted from the fine.

AMERICAN CONSULAR COURT.

Shangai, 30th December.

Before J. W. Davidson, Esq., Vice-Consul-General in Charge.

Moller Bros. *v.* S. Zimmerman, and S. E. Schwartz.

Mr. E. H. Lamme appeared for the plaintiffs and Mr. F. M. Brooks for the defendant Zimmerman.

This was a motion by defendant's Counsel to vacate and set aside the decision of the Court rendered in the above case on or about the 16th December 1904, and to grant a new trial of the said case upon the following grounds :—

1.—Newly discovered evidence material to the defendant, which he could not with reasonable diligence have discovered and produced at the trial.

2.—Insufficiency of the evidence to justify the decision.

3.—That said decision is contrary to the law and evidence.

4.—Errors in Law occurring at the trial and excepted to by this defendant.

The motion was made upon the following affidavit :—

S. Zimmerman being first duly sworn, deposes as follows, to wit :—

That I am one of the defendants in the above entitled action.

That said action was begun in this Court on the 11th day of October, 1904. That prior to and during all the time of the pendency of said action I was ill in the hospital and was forbidden by my physician to see any-one. That although I sent word to my attorney to attend to the case, yet I never had one conversation with him until after judgment was rendered. That I never was at any time during the proceedings concerning the charterparty sued on in this action, a partner with S. E. Schwartz. That I never signed or authorised said Schwartz or-any one to sign for and on behalf of myself. That I never ratified or accepted the said contract as mine. That I never represented by words or actions that I was a partner of said Schwartz. That I never offered plaintiffs or either of them Tls. 9,000 to settle for the loss of said ship, that I never had any interest whatever in the said contract, which was to my own knowledge a personal transaction of said Schwartz. While it is true that I was present at several conversations with plaintiffs and Schwartz, yet I positively informed plaintiffs and they well knew that I refused to be bound in any way by the contract. I deny absolutely that I paid Tls. 7,000 on account of freight of said ship or otherwise. That I never went with Schwartz to plaintiff in regard to the charter of said ship, but our meetings at the office of plaintiffs were not prearranged. The occasion of my seeing plaintiffs was on entirely different transactions. That if a new trial is granted herein I shall be able to come into Court and testify to the foregoing statement and that it was impossible to see, or converse with, any witness or my Counsel during the trial of said cause on account of my said illness. That I have since discovered the whereabouts of said Schwartz and that he was never served with the summons, and I had no opportunity to produce him as a witness. That said Schwartz will testify on a new hearing, if granted, that he was the sole party in interest in the making of said contract. That he was absent from Shanghai at all times during the trial of said cause. That said second charterparty was changed to its present form at said Schwartz's request and that he paid the Tls. 7,000 as freight and refused to pay same until said charterparty was changed. That it was so changed, and afterwards signed by Schwartz alone, and the money paid and receipt given on the same after said change was made. That it was never the intention to bind affiant in said contract and that no representation of any kind was ever made as to partnership in his presence. That this evidence has been discovered since the said hearing and said Schwartz has just returned to Shanghai, and this evidence could not have been produced at said hearing.

After hearing the arguments of Counsel on both sides, his Honour refused to grant the application for a new trial, giving reasons as follows :—

In S. Zimmerman's motion for a new trial there are noted grounds, numbering one, two, three and four, advancing arguments why a new trial should be granted. First, an affidavit filed by Zimmerman :

1.—Newly-discovered evidence material to the defendant, which he could not with reasonable diligence have discovered and produced at the trial,

With regard to the testimony offered, it cannot be considered as newly discovered, nor can it be argued that a hardship has been inflicted by the trial of the case during the illness of Zimmerman. At the close of plaintiffs' testimony during the trial, defendant's Counsel moved to dismiss the case and the Court asked if defendant wished to call any witnesses if the motion for dismissal was refused, and plaintiffs' attorney offered to take defendant's testimony at the hospital. Counsel for the defendant said that he had no objection to the taking of the testimony of his client, but could see no useful purpose to be served by so doing. So far as his client was concerned the merits of the case were in the motion. I will not dwell upon the technical, yet very material and just argument in Zimmerman's affidavit as to what Schwartz would testify if called, as it is not sufficient; nor on the fact that Zimmerman does not say that he could not have gotten Schwartz at the trial, had he so desired. The Court, if it could admit Schwartz's testimony, as offered by Zimmerman, would not consider it of sufficient weight to outweigh the testimony and documents now in Court, and on which the judgment was based.

2.—Insufficiency of the evidence to justify the decision.

After careful consideration the Court considers the evidence sufficient to justify the decision as rendered.

3.—That said decision is contrary to the law and evidence.

The Court cannot agree with the argument of Counsel, that the papers in this case failed to disclose any principal for whom Schwartz could be said to sign as agent. It is clear to the Court that Schwartz signed as agent for Schwartz & Co., which firm in the transaction being litigated was composed of S. E. Schwartz and S. Zimmerman, and against which latter judgment has been given in this case.

4.—Errors in Law occurring at the trial and excepted toby this defendant.

No exception of any importance was taken by the defendant to the rulings of the Court during the trial.

The motion for a new trial is hereby denied.

Signed : J. W. Davidson,
American Vice-Consul-General
in charge.

Exception was taken by Mr. Brooks, the defendant's attorney, Nunc pro tunc, to the decision made at the trial.

Exception was taken by Mr. Brooks, the defendant's attorney, to the above decision and notice of appeal was given, and stay of proceedings was agreed to by Counsel on both sides until the 20th of January, 1905.

INQUEST.

Shanghai, 31st December.

Before H. Phillips, Esq., Coroner, and Messrs. H. G. Gardner, F. W. Fowler, and C. R. Maguire, Jurors.

Re Death of J. W. Graham.

An inquest was opened at No. 4, The Bund, to enquire into the circumstances attending the death of J. W. Graham.

The jury having been sworn, viewed the body.

A. L. Anderson, sworn, identified the body just seen as that of J. W. Graham, who was formerly his partner.

LATE NEWS SUPPLEMENT
NORTH-CHINA HERALD & S. C. & C. GAZETTE.

FRIDAY, JANUARY 6, 1905.

THE CANTON-HANKOW RAILWAY.

6th January.

It will be learnt with general satisfaction that an authentic telegram was received here yesterday from the American-China Development Company in New York, stating that the control of the stock of the Canton-Hankow Railway is again in American hands, the Belgian interests having been bought out. All English and American residents at any rate in China will be glad to hear this, the sale to the Belgians having been a blow to our interests in China, and having had a marked effect particularly on American prestige. The recovery of the control was very markedly assisted by the embargo put on the bonds by the Chinese, who regarded the transfer of the concession to Belgian hands as a breach of faith, and by the sympathetic action of the Department of State at Washington. Arrangements have been made to procure all the capital necessary to complete the line, and to keep the control permanently in American hands, whatever may happen. Thus we have a very satisfactory solution of the difficulties which have lately impeded the operations of the American-China Development Company, and we may expect to see the construction of the important trunk line from Canton to Hankow proceeded with rapidly and energetically. We trust, too, that it will not be many months before work is begun on the English or Anglo-Chinese railway between Kowloon and Canton.

GERMAN INFLUENCE IN CHINESE ARSENALS.

6th January.

Our German friends are to be congratulated on the appointment of one of their fellow-countrymen, Herr Basse, now in Nanking, as Director of the Kiangnan Arsenal. As soon as Admiral Yeh arrived in his flagship Haichi at Nanking, the arrangements in this connection were to be completed. This means eventually, of course, the appointment of German assistants, and the substitution of Krupp for Armstrong; and with German managers and assistants in Shantung, and at Hankow, Shanghai, Nanking, and Tientsin, it may be said that, to a certain extent, the Arsenals of China are in German hands.

This last appointment throws some light on the reasons for the recent dissemination at Nanking of an utterly unfounded story reflecting on Mr. Cornish, the English Director of the Ordnance and Projectile Department at the Kiangnan Arsenal. The story, which was sent down to Shanghai by a Chinese official at Nanking, was that some guns had been sent to Nanking from the Arsenal here, only half rifled, and that Mr. Cornish had passed them in that condition; the story being obviously intended to prejudice that gentleman in the eyes of the Viceroy, who was naturally well-disposed towards the Germans after his pleasant experiences as Governor of Shantung. The true story is that four years ago, during the Boxer troubles, one gun was hurriedly sent to Woosung by the Chinese Director of the Arsenal, Mr. Cornish not being consulted, that was imperfectly rifled. As soon as Mr. Cornish saw it, he condemned it and ordered it to be returned to the Arsenal, but Chinese red-tape intervened, and it was explained that a gun could not be sent out of the Woosung forts without a written order from the Viceroy. This is the fact, and it was a puzzle at first to know why the highly exaggerated and libellous story that we have mentioned was being suddenly circulated among the officials at Nanking.

THE ALHAMBRA CASE.

6th January.

The raid made by the Municipal police on the Alhambra, under the warrant granted by the Spanish Consul and then alleged to be revoked, was a failure owing to the attitude taken by the Spanish Consul in circumstances which are fresh in everyone's memory The Council came in for much undeserved abuse on the part of writers who professed to be as anxious as anyone to see gambling suppressed, and the Spanish Consul, by appealing to the dignity of his position and the rights of his nationals, succeeded in persuading a committee of the Consular Body to extort an expression of regret from the Municipal Council. Another attempt to suppress the Alhambra was frustrated by the representation that the Spanish lessee had sublet the upper rooms in which gambling was carried on to an Italian, though there was very little doubt that the real culprit was the owner of the property, a Mr, J. H. Brown, and that the Argentine, the Spaniard, and the Italian, between whom the responsibility was shifted about, so that the police should be sent on a wild goose chase from one Consular Court to another, were merely the employees of Mr. Brown. We understand that Mr. Goodnow, before leaving, suggested to the Municipal Council that it should attack Mr. Brown instead of his tools, pointing out that as Mr. Brown was an adept in evading justice by changing his nationality when circumstances made it desirable, the Mixed Court would be the place to corral him. Mr. Brown, it will be remembered, when he was brought up in the American Court, repudiated American nationality, explaining that he was born in Germany. On this hint Dr. Knappe, the German Consul-General, promptly acted, and on the 31st of December last he asked the Captain-Superintendent of Police to "make the necessary arrangements to find out if there is any gambling going on, and authorise herewith the Municipal Police to enter any time the Alhambra and the compound belonging to it and to search and take in custody any article used for gambling purposes." The same night the Alhambra was successfully raided.

This was too much for the Spanish Consul, who evidently thought that as he had successfully prevailed on the whole Consular Body on the previous occasion, he could easily make a single Consul give way. So Mr. Brown's Spanish stalking-horse, Mr. Perdomo Garcia, was trotted out, Mr. Perdomo being, according to the evidence of Inspector McDowell a man of straw. As we have already said, when Mr. Perdomo was prosecuted at the Spanish Consular Court he got off under cover of an Italian sub-lessee; but on the 1st instant, the Spanish Consul writes to Dr. Knappe: "Under the circumstances, if public gambling has been found going on at the Alhambra (O sancta simplicitas!), I will have to render the said Perdomo responsible for it and proceedings will at once be taken against him: I therefore request you to instruct the S. M. P. to deposit

in this Consulate all the effects seized by them, as they are Spanish-owned, and as they will serve as evidence in the trial of the case. Meanwhile I cannot but express my surprise and regret at the fact that although the Alhambra is leased by a Spanish subject, and I am the only authority who can authorise a forced entrance in a Spanish residence, last night's raid has been effected without the slightest reference being made to me, and as I know the kind and proper way you have always acted I feel confident that there must have been a regrettable misunderstanding, which no doubt will be explained." Dr. Knappe had taken pains to make sure that neither the American Consul-General, Mr. Goodnow, nor the Acting Consul-General, Mr. Davidson, would recognise Mr. Brown as an American citizen, and his answer to the Spanish Consul was courteous and conclusive: "Your Court dismissed the case on the 10th December versus Perdomo Garcia, on the ground that he had sublet part of the Alhambra to an Italian subject—Silvestro. If I had known that Perdomo were again responsible, I would have informed you." Mr. Musso, counsel for Mr. Brown, made a despairing effort to show that the latter really was an American citizen, but it was, of course, fruitless, and the trial of Mr. Brown went on in the German Court, the accused being, according to Mr. Musso, in Manila. The evidence brought forward by the Police was conclusive that Mr. Brown was the substantial owner of the Alhambra, and that Schwartz and Perdomo and Silvestro, and another man named Frankel, who was deported from Buenos Aires for importing women, and had also been deported from Manila, were merely his instruments.

Mr. Brown was convicted and fined a lump sum of 5,000 marks (£250) and the costs of the proceedings, and the gambling apparatus found was ordered to be confiscated and destroyed. Dr. Knappe summed up the evidence against Brown very clearly and concisely in his judgment:—

The Court came to the conclusion that Brown having been born in Germany, and not having acquired any other nationality was under its jurisdiction. The Court further came to the conclusion that Brown was responsible for everything going on in the place. Brown made all the contracts and bought and paid for the furniture, he made the contract with the bandmaster, and was present on five different occasions when gambling was going on. Brown was considered by everyone present to be the responsible man and to have everything done on his account. Brown also settled the quarrel between two gambling parties. From this especially it appeared that he was the responsible man. The Court therefore came to the conclusion that everything was done for the account of Brown, and therefore the Court considered that the $2,000 odd found on the premises should be confiscated and be deducted from the fine.

No doubt the Spanish Consul is really as anxious as any of his colleagues to suppress such an establishment as the Alhambra, and it is unfortunate that he should have felt himself obliged to lose sight of the good the Council were doing in his objection to the way in which it was done. Had he enquired a little more deeply in the matter, he would have found that his Consulate was being made use of by the man of many countries, Brown, as a cloak, and he would surely have refused to allow himself to be made a means of evading justice. However, all's well that ends well, and we have to thank the Council and Dr. Knappe for the extinction of the Alhambra as a gambling hell. The community owe a special debt of gratitude to the Council for persisting in their efforts to remove this plague-spot in the face of so much misrepresentation and discouragement.

LATEST TELEGRAPHIC INTELLIGENCE.

NORTH-CHINA DAILY NEWS Service of Foreign and Local Telegrams.

THE WAR.

THE SITUATION AT PORT ARTHUR.

Tokio, 4th January.
Received, 5th January.

It is officially announced that order is being maintained in the town, and things are quiet.

The population amounts roughly to 30,000, of whom 25,000 are soldiers or sailors, 20,000 of them being sick or wounded.

The people generally have plenty of provisions, except meat and vegetables.

There are no medical supplies left, and the Japanese are assisting in this direction.—*Our own correspondent.*

CAPITULATION DETAILS.

Tokio, 5th January.

The supplementary agreement contains twelve articles.

The capitulation commissioners met at Peiyushan at noon on the 3rd inst., and commenced work by making prisoners of the officers.

The men were gathered at Yahutsui at 9 a.m. to-day.

The civil officials ar[illegible] to-morrow.

The combatants are to be [illegible] under oath; delinquents [illegible] under military disposal.

Non-combatants with the [illegible] the business people and the [illegible] of combatants, will be given f[illegible] for removal.

All administrative and fi[illegible] documents are to be handed Japanese.

The Japanese prisoners [illegible] hands of the Russians were de[illegible] by 3 p.m. on the third.

The forts hypothecated as s[illegible] were duly taken over at 1.30 Tuesday.—*Our own correspo*

The transfer of Port Ar[illegible] completed.

The prisoners, roughly est[illegible] include eight Generals, four A[illegible] 57 colonels and majors, 100 c[illegible] and commanders, 731 junio[illegible] and military officers, 99 milit[illegible] cials, 109 surgeons, twenty ch[illegible] 22,434 soldiers, 4,500 sailor[illegible] non-combatants, and 1,970 h[illegible]

The volunteers are mostly [illegible] as soldiers.

The total number of pris[illegible] 32,207, of whom between fift[illegible] sixteen thousand are sick or w[illegible] —*Our own correspondent.*

THE END OF TH[illegible] SEBASTOPOL.

Tokio, 5th J[illegible]

The Sebastopol was towed [illegible] blown up. Her hull heeled o[illegible] nothing is now to be seen of [illegible] *Our own correspondent.*

GENERAL STOESSEL [illegible] THE CZAR.

Tokio, 5th J[illegible]

General Stössel's telegram Czar on the 2nd inst. embo[illegible] seventh article of the terms o[illegible] lation, offering the officer[illegible] release on parole.

The Czar's reply of the 4[illegible] sanctioned this, and thank[illegible] garrison for their brave de[illegible] *Our own correspondent.*

London vid Bombay, 5th [illegible]

General Stössel, telegrap[illegible] the Czar the formal news [illegible] surrender, says:

"Great Sovereign, forgive [illegible] have done all that was [illegible] possible. Judge us, but b[illegible] ful."

Reuter's correspondent [illegible] says that the Czar cabled [illegible] Stössel, giving the officers th[illegible] of being released on parole [illegible] prisoners.—*Reuter.*

INDEX BUREAU
REC'D.
MAR
23
1906
DEPT. OF STATE

No. 211

February 2, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Jamestown Celebration. Notification of the Chinese Foreign Office, and action taken by them.

INDEX BUREAU
MAR 23 1906
FILED

AMERICAN LEGATION,
PEKING, CHINA.

No. 211
CJ.

February 2, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to acknowledge the receipt of Department Circular of November 7th, 1905, entitled "Jamestown Celebration," and to report that, in pursuance of the instructions contained therein, on December 30th last I wrote to the Foreign Office transmitting a copy of the President's proclamation and stating that the President would learn with great pleasure of the intention of the Chinese Government to participate in the celebration.

In reply the Foreign Office informed me that notifications would be sent at once to the Superintendents of Trade for the North and South, the Commission for Army Reorganization, and the Board of Commerce, for their consideration and action.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

M. McNeir

LEGATION OF THE UNITED STATES OF AMERICA,
PEKIN, CHINA.

OFFICE MILITARY ATTACHÉ.

INDEX BUREAU RECD. MAR 23 1906 DEPT OF STATE

Sent

February 3rd, 1906.

The Honorable Secretary of State,
State Department, Washington, D. C.

Sir:

I. I have the honor to request that one bound copy of the Report of William W. Rockhill, late commissioner to China, With accompanying Documents, 1901* be mailed to the undersigned.

Very respectfully,

Henry Leonard

Captain, U.S. Marine Corps,
Military Attache'.

Sent 3/24/06 MCS.

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rtment of State.

TELEGRAM RECEIVED IN CIPHER.

Secretary of State,
FEB 5 1906

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CHIEF CLERK
FEB
5
DEPARTMENT
OF STATE.

From Peking

Received February 4th, 1906.

7:51 A. M.

Secretary of State,

Washington.

February 4th, 4 P. M. Latest information, Morley was the statement of Severger to Jameson that he left Morley about September 10th near Jehol, the latter refusing to return to Tientsin, and intending to travel further in Mongolia. He had not a passport. Chinese Government are making inquiries, but no further information yet.

ROCKHILL.

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FEB 15 1906
FILED

Ciphered by ~~the Chief Clerk's Office~~,
C. R. D.

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MAR 23 1906
DIV. OF AMERICAN REPUBLICS

File. Mr. Neely
Has made personal
application. F.D.

No. 212

February 5, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Requesting such facilities and exemptions as may be allowed on personal effects of Sid H. Nealy, Architect.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 212.
PJ.

February 5, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to inform you that Mr. Sid H. Nealy of the Treasury Department has been in Peking for the last three years as Architect in charge of the construction of the new buildings for the American Legation. He is now returning home and has shipped to Georgetown, D.C., five packages of personal effects.

I hope that on their arrival such facilities and exemptions as are possible may be granted to him.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

American Legation,
Peking, China.

No. 272

February 9, 1909.

To the Honorable
Philip Knox,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to inform you that Mr. Sia M,
Deputy of the Treasury Department has been in Peking for the
last three years in charge of the construction
of the new buildings for the American Legation. He is now
returning home and has shipped to Georgetown, D.C., five
packages of personal effects.

I hope that on their arrival such facilities and exemptions as are possible may be granted to him.

I have the honor to be, Sir,

Your obedient servant,

RECEIVED
APR 17 1906
DIV. OF FAR EAST. DEPT. OF STATE.

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ASSISTANT SECRETARY,
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CHIEF CLERK
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OF STATE.

No. 813

February 5, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Revision of the Rules of the Mixed Court at Shanghai. Enclosing correspondence with the Consul General at Shanghai, and clippings from the North China Daily News.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 213
RJ.

February 5, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

In continuation of my despatch No. 178 of December 23rd last, concerning the long pending negotiations for the revision of the Rules for the Mixed Court in the International Settlement at Shanghai, I now beg to transmit further correspondence with our Consul General on the same matter, and in continuation of that already sent you in my previous despatch. 9/213

I deem it necessary to place before you all the data I possess on this subject as I think it will develope into a most far-reaching one, affecting the whole status of the Shanghai International Settlement in its relation with the Chinese Government. The position taken by a prominent part of the British residents in Shanghai is clearly set forth in the enclosed editorial from the leading British paper of the locality, but the pretentions therein advanced, which stop little short of complete independence of China, seem to me and to most of my Colleagues, absolutely inconsistent with treaty rights and obligations. 11/213

The solution of the question of the revision of the Rules for the Government of the Mixed Court, which bids fair to be reached shortly by the Diplomatic Body and the Chinese Government, and which will be substantially in agreement with

the amended Rules accepted provisionally by the Department of State in its telegraphic instruction to this Legation of April 15th, 1902, will not give satisfaction to all the foreign community of Shanghai and the agitation for further liberties will continue.

I trust that the enclosed correspondence will enable the Department to get a correct understanding of this question which has already been the direct cause of so much trouble and friction, and which is being used as an entering wedge for further demands on the part of the Municipal Council of Shanghai and its radical supporters.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1. Mr. Rodgers to Mr. Rockhill, December 16, 1905.
2. Mr. Rodgers to Mr. Rockhill, December 27, 1905.
3. Mr. Rockhill to Mr. Rodgers, January 9, 1906.
4. Mr. Rockhill to Mr. Rodgers, January 10, 1906.
5. Mr. Rodgers to Mr. Rockhill, January 23, 1906.
6. Mr. Rodgers to Mr. Rockhill, January 18, 1906.
7. Mr. Rodgers to Mr. Rockhill, January 18, 1906.
8. Mr. Rockhill to Mr. Rodgers, January 31, 1906.
9. Mr. Rockhill to Mr. Rodgers, January 31, 1906.
10. Editorial, "N-C Daily News," January 23, 1906, "A Court for Shanghai."
11. Editorial, "N-C. Daily News," January 24, 1906, "Our Charter."

B

Enclosure No. 1 in Despatch No. 213

Mr. Rodgers to Mr. Rockhill.

Shanghai, December 16, 1906.

S i r :

I have the honor to acknowledge receipt of your telegram of December 15th reading as follows:

"American Consul,

Shanghai.

Fifteen. Your cipher telegram thirteenth is not clear if you mean Consular committee unanimously agreed in favor of confining Chinese females in the female jail in the Municipal jail. You are exceeding your authority. Report fully.

Rockhill."

and also to confirm my reply thereto of the same date, reading as follows:

"Rockhill,

Peking.

Mixed Court female jail has been agreed to, not Municipal. Other demands reported prevent opening of the Court.

Rodgers."

(Signed) JAMES L. RODGERS.

Enclosure No. 1 to Dispatch No. [illegible]

M. Torpedo Co. Capital.

Bangpuri, December 15, 1904.

Sirs:

I have the honor to acknowledge receipt of your telegram of this morning as follows:

"Angelus, Grand.

Bangpuri.

Victory. Your player Patterson delivered in time and clear if you want Gonzalez complicos immediately perfect in favor of contract Chicago Yankees in the Tomale Hall in the Bonifacio last. You are responsible for expenses. Report fully."

and also to confirm my reply thereto of the same date, stating as follows:

"Responsible.

Petine."

Trusting [illegible] has been satisfactory, I remain,

Yours [illegible].

Enclosure No. 2 in Despatch No. 213.

Mr. Rodgers to Mr. Rockhill.

Shanghai, December 27, 1905.

S i r :

I have the honor to acknowledge receipt of your No. 471 of December 21st last in relation to the Mixed Court matters. In reply thereto I beg to say that the Minutes of the Consular Meeting of July 26th, 1905, as quoted by you are wrong. When in June the question of the place of confinement of female prisoners came up in connection with other issues of the Taot'ai against the Municipal Council, it was acknowledged by the Taot'ai and by the Mixed Court Magistrates that there was no place for their confinement at the Mixed Court but the promise was given that one should be constructed The question had never been prominent in comparison with that of the matter of the police in court, of supervision of punishment and the control of the prisoners. However when the subject had been discussed early in July I went to the Mixed Court and there inspected the site and the foundation of the female jail. At the meeting of the Consular Body July 26th when the matter was again mentioned I stated that the jail was in course of construction. It was then agreed that the Senior Consul should see the Taot'ai and explain that it was only desired to use the female portion of the Municipal Jail until the Chinese Jail was ready. No formal action was taken. However, Mr. Potier, it seems, thought the Minutes should contain some record of the subject and that which you have quoted was apparently the result of Dr. Knappe's version, it being absolutely at variance from the understanding, at least so I

Enclosure No. 2 in Despatch No. 242

Mr. Rodgers to Mr. Rockhill.

Shanghai, December 27, 1905.

S i r :

I have the honor to acknowledge receipt of your No. 471 of December 21st last in relation to the Mixed Court matters. In reply thereto I beg to say that the Minutes of the Consular Meeting of July 26th, 1905, as quoted by you are wrong. When in June the question of the place of confinement of female prisoners came up in connection with other issues of the Tao'tai against the Municipal Council, it was acknowledged by the Tao'tai and by the Mixed Court Magistrates that there was no place for their confinement at the Mixed Court but the promise was given that one should be constructed The question had never been prominent in comparison with that of the matter of the police in court, of supervision of punishment and the control of the prisoners. However when the subject had been discussed early in July I went to the Mixed Court and there inspected the site and the foundation of the female jail. At the meeting of the Consular Body July 26th when the matter was again mentioned I stated that the jail was in course of construction. It was then agreed that the Senior Consul should see the Tao'tai and explain that it was only desired to use the female portion of the Municipal Jail until the Chinese Jail was ready. No formal action was taken. However, Mr. Potter, it seems, thought the Minutes should contain some record of the subject and that which you have quoted was apparently the result of Dr. Knapp's version, it being absolutely at variance from the understanding, at least so I

maintain. Again on October 5th the subject came up and I reported the Jail ready, but the Taot'ai had not so notified the Senior Consul. It was my impression, however, that it was to be used, and it would have been had the American Assessor been given a chance to send the female prisoners there. The police attended to that.

As to the rules of 1869. The present procedure, which was adopted years ago or which was the result of years of gradual change, differs largely from the rules of 1869, although by courtesy they are still supposed to exist. By agreement between Messrs Goodnow, Warren and Schnitzler, the American, English and German Consuls respectively, the basis of the present procedure was inaugurated in 1901, and Mr. Goodnow has stated to me that their action was approved by the Diplomatic Body, a statement which was confirmed by Sir Pelham Warren when I produced in a Consular Meeting the original copy of the revised rules. X X X

This late trouble can be attributed not so much to the changed rules as to aggression by the Municipal Council, which was not in the first instance vigorously squelched by the Consular Body. In my despatches to you on the subject I have referred to the various phases. But I desire to make clear to you that even the small part the female jail played prior to the case which made the matter prominent has been misrepresented.

For the attitude of this Consulate upon the whole subject of the Mixed Court there has been opposition and bad feeling from the Municipal Council. I am happy now in thinking that this incident will prove to all the necessity of a

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clear and thorough understanding regarding the Mixed Court, and I hope that as a result there will come rules and processes that will not only conserve all rights but also have some applicability to present day and future conditions.

In conclusion I beg to inform you that the Court was open today with Mr. Twyman sitting as Assessor. The Muncipal Council has not made any concession as to the presence of the police who participated in the disturbance of December 18th.

(Signed) JAMES L. RODGERS.

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(Signed) JAMES L. RODGERS.

Enclosure No. 3 in Despatch No. 213

Mr. Rockhill to Mr. Rodgers.

Peking, January 9, 1906.

S i r :

I have to acknowledge the receipt of your despatch No. 172 of December 27th last in relation to the Mixed Court matters.

You say that the minutes of the Consular Meeting of July 26th, 1905, as quoted by me are wrong. I cannot see how this can be, as I quoted from an official copy sent the British Minister by the British Consul General at Shanghai. The Diplomatic Representatives here have all assumed that these minutes stated the action of the Consular Body at Shanghai on July 26th last in reference to the custody of Chinese female prisoners correctly, and on the 6th instant the Dean of the Diplomatic Body sent the Senior Consul at Shanghai a note, a copy of which I enclose in translation, embodying the views of the foreign representatives here concerning said decision.

You further state that the 1869 rules for the Mixed Court in the Settlement of Shanghai are only supposed to exist by courtesy. While I admit that many changes and additions have been made to said rules since they were first accepted by the Chinese Government and the Diplomatic Representatives of the Powers in 1869, such changes and additions have never been adopted by mutual consent of China and the Powers. I fail to see how any amendment could have permanently binding force unless so agreed upon.

Until I am more fully informed than I am in the matter, I must confess that the action of the Consular Body before,

Enclosure No. 3 in Despatch No. 213

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Peking, January 9, 1906.

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Until I am more fully informed than I am in the matter, I must confess that the action of the Consular Body before,

on and after July 26th last in this question remains incomprehensible to me, and your despatch under acknowledgement does not help me to a better comprehension of it.

Draft Ch.6

(Signed) W.W.ROCKHILL.

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(Signed) W.W.ROCKHILL.

Sub-Enclosure in Enclosure No. 3 in Despatch No. 213.

Baron von Mumm to Mr. Kleimenow.

Peking, January 6, 1906.

Mr. Consul General:

In view of the late incidents at Shanghai my honorable colleagues have requested me to make the following statement to the Consular Body.

The Representatives of the Powers have learned with astonishment that the Consular Body has decided in a meeting held on the 26th of last July that the Assessors at the Mixed Court should send to the Municipal jail Chinese women condemned by that Court to be imprisoned.

Their attention has also been called to a letter sent by the Taot'ai under date of the 10th of June to the Dean of the Consular Body, and which has just been published in the "North China Daily News", and in which this office formally refuses to agree that condemned Chinese women shall be imprisoned in the Municipal jail.

My honorable Colleagues have requested me to recall to you that by Article I of the Rules forthe Mixed Court, it is the Magistrate who is authorized to Confine Chinese prisoners.

These Rules were adopted in 1869 by the Foreign Representatives at Peking and the Chinese Government, to whom it belongs to modify them by common consent. The Consuls are not empowered to suspend its application nor introduce changes therein without the approbation of the Representatives of the Powers and the Chinese Government; such action would conflict with all the conventions which regulate the relations between the Chinese and foreigners in open ports.

Sub-Enclosure in Enclosure No. 3 in Despatch No. 2\3

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While calling your attention to the facts and principles set forth above, the Diplomatic Body is of the opinion that the decision taken by the Consular Body on the 26th of July not having been approved by the Representatives of the Powers in Peking, must be considered null and void.

I avail myself of this opportunity, Mr. Consul General, to renew the expression of my highest consideration.

(Signed) MUMM.

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I avail myself of this opportunity, Mr. Consul General, to renew the expression of my highest consideration.

(Signed) MUMM.

Enclosure No. 4 in Despatch No. 213

Mr. Rockhill to Mr. Rodgers.

Peking, January 10, 1906.

S i r :

In further reference to your Despatch No. 172 of December 27th last and to my reply thereto No. 502 of the 9th instant, I fear that you are under the misapprehension that the "amended rules" for the Mixed Court of Shanghai of "1901", to which you refer in your despatch, were accepted by the Chinese Government and are consequently in force at the present time. Such is not the fact, as shown by the correspondence between your Consulate General and this Legation.

In 1901 a committee of the Consular Body at Shanghai, under instruction from the Diplomatic Representatives here, prepared a set of amended rules for the Mixed Court of the International Settlement at Shanghai. These amendments, having been agreed to by the Consular Body, were forwarded by Mr. Goodnow, then our Consul General, to Mr. Conger, on February 25th, 1902.

This basis was considered by the Foreign Representatives here, and by them submitted to their respective Governments for approval as such, and on July 1st, 1902, Mr. Conger was able to inform Mr. Goodnow that they had been provisionally accepted by our Government. On September 16th, 1902, Mr. Goodnow telegraphed to Mr. Gonger asking the status of the negotiations on this matter, and Mr. Conger in his telegram of the same date informed him that the Diplomatic Representatives had failed to come to an agreement concerning them. (See Mr. Conger's No. 1587, of September 16th, 1902, to Mr. Goodnow.)

Enclosure No. 4 in Despatch No. 213

Mr. Rockhill to Mr. Rodgers.

Peking, January 10, 1908.

S i r :

In further reference to your Despatch No. 172 of December 27th last and to my reply thereto No. 502 of the 9th instant, I fear that you are under the misapprehension that the "amended rules" for the Mixed Court of Shanghai of "1901", to which you refer in your despatch, were accepted by the Chinese Government and are consequently in force at the present time. Such is not the fact, as shown by the correspondence between your Consulate General and this Legation.

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This inability of the Diplomatic Representatives to agree on the amended rules submitted to them by the Consular Body at Shanghai was only overcome in the latter part of 1904, and it was only on December 22nd of that year that they were able - the French and Mexican Representatives excepted - to send to the Chinese Foreign Office a joint note embodying the amendments they deemed necessary to the Rules of 1869.

The subsequent stages in these negotiations down to the date of my writing are briefly related to you in my despatch No. 406 of November 14th last and the enclosures thereto.

Since then the Chinese Government has, as I also informed you in My No. 407 of November 14th last, forwarded to the Diplomatic Representatives its proposals of amendments to the Rules of 1868, and these are now before the Diplomatic Representatives for consideration and reply to the Chinese Foreign Office.

It appears clearly from the above that there are no "amended rules" in force at the present time, though, as I stated in my despatch No/ 502 of the 9th instant, temporary provisional changes may have been agreed upon locally in the interest of expediting the work of this important Court; but that the present procedure can have been inaugurated in 1901, as you say, on the simple agreement of the Consuls, without the approval of their Ministers, to say nothing of that of the Chinese Government, is of course quite inadmissible.

For your further information and in connection with your statement in despatch No. 172 that the "minutes of the Consular Body's meeting of July 26th, 1905, as quoted by you (me) are wrong", I enclose a copy of the minutes from which I quoted, the original of which was signed by the Senior Consul,

This inability of the Diplomatic Representatives to agree on the amended rules submitted to them by the Consular Body at Shanghai was only overcome in the latter part of 1904, and it was only on December 22nd of that year that they were able - the French and Mexican Representatives excepted - to send to the Chinese Foreign Office a joint note embodying the amendments they deemed necessary to the Rules of 1869.

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For your further information and in connection with your statement in despatch No. 172 that the "minutes of the Consular Body's meeting of July 26th, 1905, as quoted by you (me) are wrong", I enclose a copy of the minutes from which I quoted, the original of which was signed by the Senior Consul,

Dr. Knappe, and is dated August 1st, 1905.

(Signed) W. W. ROCKHILL.

(For the copy of the Minutes of the Consular Meeting of July 26, 1905, mentioned above, see Enclosure No. 7 in Despatch to the Department No. 178, of December 23rd, 1905).

Dr. Knappe, and is dated August 1st, 1905.

(Signed) W. W. ROCKHILL.

(For the copy of the Minutes of the Consular Meeting of July 26, 1905, mentioned above, see Enclosure No. 7 in Despatch to the Department No. 178, of December 23rd, 1905).

Enclosure No. 5 in Despatch No. 213.

Mr. Rodgers to Mr. Rockhill.

Shanghai, January 23, 1906.

S i r :

I have the honor to acknowledge the receipt of your No. 504 of January 10th in relation to the Rules of the Mixed Court, Shanghai, and to say in reply that the amended rules to which I referred in my No. 172 of December 27th, 1905, are apparently not those forwarded February 25th, 1902. These amended rules of which I enclose a copy have been in full force and effect since their date and I am told were agreed to at Peking.

(Signed) JAMES L. RODGERS.

Enclosure No. 5 in Despatch No. 272

Mr. Rodgers to Mr. Rockhill.

Shanghai, January 25, 1906.

S i r :

I have the honor to acknowledge the receipt of your No. 504 of January 10th in relation to the Rules of the Mixed Court, Shanghai, and to say in reply that the amended rules to which I referred in my No. 172 of December 27th, 1905, are apparently not those forwarded February 25th, 1902. These amended rules of which I enclose a copy have been in full force and effect since their date and I am told were agreed to at Peking.

(Signed) JAMES L. RODGERS.

Sub-Enclosure, Enclosure No. 5 in Despatch No. 213.

To the Mixed Court Assessors,

Messrs Bourne, Barchet, Von Vardnuin, Mayers.

Gentlemen:

The Mixed Court Rules of 20 April 1869 having become obsolete, and revision thereof being a work of time, we have to instruct you in future to follow the subjoined two rules, which have become firmly established by practice and to regard them as if they were incorporated with the said rules of 20 April 1869.

1. All Chinese arrested in the Settlement must be brought up before the Mixed Court Magistrate sitting with a Foreign Consular Assessor as a court of first instance.

2. Should the Magistrate and Assessor not be able to agree on a judgment in any case, civil or criminal coming before them, there can be no decree, but there must be reference to the Taot'ai and Consul General.

Every party to a civil or criminal proceeding in the Mixed Court at Shanghai may be heard in person; or by attorney of his choice; or by both. Should any party desire to be heard by attorney, he shall apply to the said court for permission to be so heard and the granting of such permission and the presence of such attorney shall be under the exclusive control and discretion of the Court.

(Signed) John Goodnow,
U.S.Consul General.
" Pelham Warren,
H.B.M's. Consul General.
" Schnitzler,
Acting Consul General for Germany.

Shanghai, July 3, 1900.

Sub-Enclosure, Enclosure No. 5 in Despatch No. 213

To the Mixed Court Assessors,

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(Signed) John Goodnow,

U.S.Consul General.

" Pelham Warren,

H.B.M's. Consul General.

" Schmitzler,

Acting Consul General for Germany.

Shanghai, July 3, 1900.

Enclosure No.6 in Despatch No. 213.

Mr. Rodgers to Mr. Rockhill.

Shanghai, January 18, 1906.

S i r :

I have the honor to acknowledge receipt of your No. 502 of January 9th 1906 in relation to the Mixed Court matter, and to say in reply that I did not intend to convey the impression that the record of the proceedings of the Consular Body meeting of July 26th 1905, as published, is not the official record. It is, I believe, although I did not see the record, but I contend that the sentiment and the action of the Consular Body on the question of the female prisoners is almost diametrically opposite to that which Mr. Pottier intended to have the record show. In this view I am supported by nearly all of my colleagues. The great mistake was made in not absolutely refusing to recognize the wish of the Municipal Council when the question first came up. It was always temporization under the guidance of the Senior Consul.

In this connection I beg to acknowledge receipt of the copy of the letter of the Dean of the Diplomatic Body to Senior Consul Kleimenow. Its contents have been noted with interest and satisfaction.

I am aware that the changes in the rules of 1869 have to some extent been with mutual consent, but the main trouble has arisen from Assessors assuming undue authority and from the Municipal Council introducing innovations such as police control and surveillance and questioning exclusive Chinese jurisdiction of certain cases. The practice has been to introduce these so-called reforms and then ask for the ap-

Enclosure No. 6 in Despatch No. 213.

Mr. Rodgers to Mr. Rockhill.

Shanghai, January 18, 1906.

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proval of the Consular Body, and this has naturally been given, though reluctantly, rather than allow the Municipal Council to lose face. This is a plain statement of fact, and the most objectionable of all to the Chinese - namely the police surveillance of the court - continues and is at present being made the basis of a vigorous protest.

I beg to submit herewith a copy of a police report to the Municipal Council. It will throw some light upon the conditions that existed, and will also show that even the German Assessor thought there was doubt as to the much mooted decision of July 26th.

There is certainly the necessity for reform and my invariable contention has been that it should be given by modern and up-to-date rules from Peking.

(Signed) JAMES L. RODGERS.

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(Signed) JAMES I. RODGERS.

Sub-Enclosure to Enclosure No. 6 in Despatch No. 213.

POLICE REPORT ON PROCEEDINGS AT THE MIXED COURT.

For the week ending 9th December 1905.

Summary of Punishments.

	M.	F.	Total.
Imprisonment only	67	1	68
Fined,	32		32
	99	1	100
Cases left to Court,	9		9
Remanded	14		14
Released on Security,	10		10
Dismissed	8		8
Deported		1	1
Sent to Sinza Refuge,	2		2
Total number cases brought before the Court,	142	2	144

Miscellaneous.

On Monday the 4th instant the number of Police cases brought before Assistant Magistrate Ching and Mr. Twyman was unusually large and several cases remained untried. On Tuesday Mr. Arnold and Magistrate Kwan enquired why these were not brought before them. They were informed that the Captain Superintendent of Police had ordered the cases in question to be taken before the British Assessor only. Most of them were disposed of on Wednesday but eight prisoners remained over until Friday morning. The Magistrate sentenced five of them, then refused to hear the other three. Mr. Twyman marked the charge sheet "Magistrate refused to hear case till he has obtained the Taot'ai's permission." The Magistrate also recorded a minute on the Chinese sheet to this ef-

Sub-Enclosure to Enclosure No. 6 in Despatch No. 2/13

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fect: "Brought up at this court from the police on Monday but owing to being late when brought up, there was no trial. Not brought up on Tuesday. Brought up on Wednesday but being late again no trial. Not brought up on Thursday. Brought up again on Friday but it is deemed unfit for trial. Awaiting instructions from the Tait'ai."

At 2:30 P.M. on the 4th instant a woman named Zung Ling Sze was tried before Assistant Magistrate Ching and Mr. Bristow for illegally buying a girl for the purpose of prostitution. She was ordered to pay Tls. 800 to the Door of Hope and to be deported to Soochow. The Magistrate would not allow the prisoner to be handed over to the Police saying that she should be deported by the Mixed Court. The inspector on duty replied that the usual practice in such cases was for the Police to carry out all sentences of deportation to a treaty port. Mr. Bristow concurred in this view and said that the woman was to be taken back to the Police Station. The Police were ordered to remove her. The Magistrate would not permit it, saying "You cannot take her away until this matter has been dismissed. If I am wrong you can report me to the Taot'ai, but I must obey orders. The woman is not to be treated as a criminal. She will be deported by the Court and the Police can witness the deportation." Mr. Bristow and the Inspector objected and the constables removed the woman, a certain amount of force being necessary, as she was unwilling to leave the Court. The Magistrate stood in the doorway to prevent their passage but after much argument consented that the police should keep her in custody and bring her before him at 9 a.m. in the morning. The following day

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the money was handed to the Door of Hope in Court, and the woman was escorted by the police to the Soochow launch.

At 6:10 P.M. on the 6th instant, a native entered the Sergeant's room and commenced opening and shutting the windows and doors, and made himself generally objectionable. On being asked what he wanted he said he was about to put locks on the windows. The Sergeant objected as it would stop all ventilation. The man went away, and Magistrate Kwan entered and asked the Sergeant what he meant by objecting to his putting locks on the windows of his own Court. The Sergeant said he would be glad of some ventilation in the room, to which the Magistrate replied that he could go outside and get it, and added: "You have really no rights here at all. The Taot'ai is very angry with me; especially about the deportation affair of last night. He accuses me of siding with the foreigners and considers me a very weak man for my position because I don't trouble you more."

On Saturday the 9th instant a woman was brought before Assistant Magistrate Ching and Dr. Merklinghaus on a charge of ill-treating a boy. The Police officer on duty referred the Assessor to the Senior Consul's letter to the Taot'ai of the 22nd June last. After consulting with the Magistrate Dr. Merklinghaus said he would remand the case for a fortnight, that the instructions of the Consular Body to the Assessors were not at all clear, and that those given on the 26th of July last were to the effect that female prisoners should be sent to the Municipal Gaol as long as the accommodation of the Court was unsuitable. He added that the Magistrate informed him that the new cells for females at the Court were now

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SUmmary of Prisoners in the Mixed Court Cells.

Sixty-three male and five female prisoners are detained in the Mixed Court cells.

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Summary of Prisoners in the Mixed Court Cells.

Sixty-three male and five female prisoners are detained in the Mixed Court cells.

Enclosure No. 7 in Despatch No. 213.

Mr. Rodgers to Mr. Rockhill.

Shanghai, January 18, 1906.

S i r :

I have the honor to state that I am informed confidentially by the Taot'ai Lo Tsong Yao, Director of the Bureau for Foreign Affairs, Nanking, that he is endeavoring to obtain the Viceroy's consent to a full and fair investigation of the Mixed Court procedure with a view to preparing under foreign advice and assistance a new code of rules, which shall be submitted to the Foreign Representatives at Peking and the Wai-wu Pu for approval and adoption. Taot'ai Lo, in my opinion, is the best man for such work, as he has always appeared conservative and just, and furthermore is accepted as an authority on law. He has been finely educated in England and while his brother was Minister to the Court of St. James was Secretary. I may be mistaken in my estimate of the man, but I believe him able and disposed to do justice to both sides in such a matter as this.

He apparently is very anxious for a solution of the question, and predicts dangerous disturbances in Shanghai unless a thorough understanding is reached in the immediate future. He does not think the damage and indemnity claims growing out of the riots should be pressed, and denies that there is a Chinese responsibility, moral or otherwise.

I would be greatly obliged for your opinion on Taot'ai Lo's proposition, as he will undoubtedly ask me forit.

(Signed) JAMES L. RODGERS.

Enclosure No. 7 in Despatch No. 243

Mr. Rodgers to Mr. Rockhill.

Shanghai, January 18, 1906.

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I have the honor to state that I am informed confidentially by the Tsot'ai Lo Tsong Yao, Director of the Bureau for Foreign Affairs, Nanking, that he is endeavoring to obtain the Viceroy's consent to a full and fair investigation of the Mixed Court procedure with a view to preparing under foreign advice and assistance a new code of rules, which shall be submitted to the Foreign Representatives at Peking and the Wai-wu Pu for approval and adoption. Tsot'ai Lo, in my opinion, is the best man for such work, as he has always appeared conservative and just, and furthermore is accepted as an authority on law. He has been finely educated in England and while his brother was Minister to the Court of St. James was Secretary. I may be mistaken in my estimate of the man, but I believe him able and disposed to do justice to both sides in such a matter as this.

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I would be greatly obliged for your opinion on Tsot'ai Lo's proposition, as he will undoubtedly ask me for it.

(Signed) JAMES L. RODGERS.

Enclosure No. 8 in Despatch No. 213.

Mr. Rockhill to Mr. Rodgers.

Peking, January 31, 1906.

S i r :

I have the honor to acknowledge the receipt of your No. 194 of the 23rd instant, in which, referring to certain "amended rules of the Mixed Court", you enclose copy of certain instructions to the Mixed Court dated July 5th, 1900 and signed by the Consuls General of the United States, Great Britain and Germany. You add that the rules have been in full force and effect since that date, and you add: "I am told they were agreed to at Peking."

In reply I would state that the document you enclose was never, so far as I can learn, after careful search in this and in the British Legation, sent here for the approval of the Diplomatic Corps. In fact its date, July 3rd, 1900, precludes the possibility of such a step having been taken, and there is no record of it having been received at this Legation after the re-opening of communication between Peking and Shanghai.

Furthermore, I would call your attention to the fact that nothing shows that this document was ever approved by the local Chinese authorities, although it may have been accepted by the Mixed Court judge for the time being.

It certainly does not constitute a permanent amendment to the original rules of 1868, which I explained in my despatch No. 502 of the 9th instant, must be formally accepted by the Chinese Government and the representatives of the Powers in Peking interested in the matter. No other method existed than exists now for amending the rules for the Government of this court, which, as I have said, calls for the

Enclosure No. 8 in Despatch No. 213

Mr. Rockhill to Mr. Rodgers.

Peking, January 31, 1906.

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agreement of the Powers concerned. You can do absolutely nothing locally in the matter, nor can the Municipal Council.

(Signed) W. W. ROCKHILL.

agreement of the Powers concerned. You can do absolutely nothing locally in the matter, nor can the Municipal Council.

(Signed) W. W. ROCKHILL.

Enclosure No.9 in Despatch No. 213.

Mr. Rockhill to Mr. Rodgers.

Peking, January 31, 1906.

S i r :

I have to acknowledge the receipt of your No. 190 of the 18th instant and to say in reply thereto that it is not understood here what Taot'ai Lo Tsong Yao could do at the present time in the way of "preparing under foreign advice and assistance a new code of rules, which shall be submitted to the foreign representatives at Peking and the Wai-wu Pu for approval and adoption."

In my No. 504 of the 10th instant I gave a history of the negotiations which have been under way between the Diplomatic Representatives of the Powers and the Chinese Government since 1901 for the revision of the Rules of 1868. You will note therein that on December 22nd, 1904, the Chinese Government was informed of the amendments which the various Governments deemed necessary, and that on December 4th, 1905, the counter-proposals of the Chinese Government were submitted to the Ministers. These are now under consideration, and no new rules or proposals can be considered by us.

(Signed) W.W.ROCKHILL.

Enclosure No. 9 in Despatch No. 213.

Mr. Rockhill to Mr. Rodgers.

Peking, January 31, 1906.

S i r :

I have to acknowledge the receipt of your No. 190 of the 18th instant and to say in reply thereto that it is not understood here what Tao'ai Lo Tsong Yao could do at the present time in the way of "preparing under foreign advice and assistance a new code of rules, which shall be submitted to the foreign representatives at Peking and the Wai-wu Pu for approval and adoption."

In my No. 994 of the 10th instant I gave a history of the negotiations which have been under way between the Diplomatic Representatives of the Powers and the Chinese Government since 1901 for the revision of the Rules of 1858. You will note therein that on December 22nd, 1904, the Chinese Government was informed of the amendments which the various Governments deemed necessary, and that on December 4th, 1905, the counter-proposals of the Chinese Government were submitted to the Minister. These are now under consideration, and no new rules or proposals can be considered by us.

(Signed) W.W.ROCKHILL.

Enclosure No. 10 in Despatch No. 213.

North-China Daily News.

IMPARTIAL NOT NEUTRAL.

SHANGHAI, 23RD JANUARY, 1906.

A COURT FOR SHANGHAI.

THE dispute that has been raised by the Chinese as to the administration of the Settlement North of the Yangkingpang can never be settled by the discussion of mere local authority, Chinese or foreign, official or unofficial. The power now rests with the high Representatives of all the Powers in Peking acting in negotiation with the Chinese Waiwupu. Neither can solution be found by a consideration of only one issue. The problem is multiform, needing discussion, but discussion that is calm.

Apparently with many the main and only issue is the Mixed Court. It may indeed be the main one; it is not the only one. As important, it is well to bring to light a few old and a few simple principles. The most obvious fact is that the Mixed Court is not properly a Chinese Court; it is a Mixed Court. The very idea of establishing such a Court at all implied something new and something different from existing Chinese Courts. That it was established in the Foreign Settlement also implied that the Court would be conducted in a way other than what was customary outside the Settlement and within the native city. The difference lay in the introduction of something foreign. What is the amount of the foreign element may never have been clearly stated in ironclad rules; but plainly the Court is not Chinese.

If we trace the development of a general and fundamental principle, it will be first noticed that by the Treaty of Tientsin in 1858 it was merely stated that Chinese subjects guilty of crime against English (foreign) subjects would be tried and punished according to Chinese laws. Foreign subjects in the same way would come under the laws of their own nation. The general and flexible statement was then made: "Justice shall equitably and impartially be administered on both sides." This general principle applied to mixed cases in all parts of China. What should be done in the then English Settlement was not stated till 1869 when the British Minister, after consulting the Tsung-li Yamên, issued orders for the management of a Mixed Court in the English Settlement. It was then stated that in cases where Chinese are defendants, "a Consul or his deputy shall sit" with the magistrate. This sitting process was vague enough always to suit the Chinese; but it certainly implied something, or why should it be added that in cases where Chinese only are concerned the foreign official "shall not interfere." Logically the sitting would be a legitimate interference. In the Treaty of 1876, which, however, was never ratified, the Mixed Court was acknowledged to be unsatisfactory. "The officer presiding over it, either from lack of power, or dread of unpopularity, constantly fails to enforce his judgments." This treaty reiterated the sitting process and added, "This is the meaning of the words *hui t'ung*, indicating combined action in judicial proceedings." Plainly, then, the Court is not Chinese. This combination, as the same treaty says, must continue "so long as the laws of the two countries differ from each other."

If the Mixed Court Chinese officer was unsatisfactory in 1876, his successors have imitated him closely in this respect. The combination cannot be abandoned now, for law and administration of China and Foreign Powers still differ. Similarity to Western jurisprudence cannot be attained by the Mixed Court till trained legal men sit on the bench.

From the experience of the past weeks there is no sign of any willingness on the part of the Chinese to assimilate to the legal usage of the British. Not only the English assessor is in the wrong, the foreign police system is in fault, and the foreign prison system is not equal to the Chinese. The day of conformity to the West is a long way off; so also China's sovereign rights in judicial cases.

The Mixed Court being a court of "combination," all cases are to be tried in this combined way where a foreigner is the accuser. And, though the Chinese forget it, this includes cases presented by the Municipal police or the Municipal Council. Such cases are not Chinese cases, as the Mixed Court is not Chinese.

What shall be done with cases where Chinese are both accusers

Enclosure No. 11 in Despatch No. 213.

North-China Daily News.

IMPARTIAL NOT NEUTRAL.

SHANGHAI, 24TH JANUARY 1906.

OUR CHARTER.

THE Land Regulations are the charter of the liberties and rights of our municipality, as the Treaties are the charter of our rights as individuals in China; and to understand and appreciate the force of the Land Regulations it is necessary to consider with them the speech by the late Sir Rutherford Alcock, British Consul at Shanghai, to the Landrenters, on the 11th of January 1854, at the meeting at which the Land Regulations were adopted, and the Municipality of Shanghai was created. An extract from that speech was reprinted by us three years ago, it being considered desirable then that it should be brought again to the notice of the community; the community changes considerably in three years, and we therefore reprinted it again and published it as a supplement with our issue of last Saturday.

The first Regulations were issued by the British Consul and the Taotai in 1845, and dealt almost exclusively with the acquisition and tenure of land by foreigners "in the ground north of the Yangkingpang, set apart to be rented by English merchants." They contained a provision that contributions should be made by the landrenters for the original cost and subsequent upkeep of roads, jetties, and gateways; and for nine years this work was done and the money collected and disbursed by a Committee of Roads and Jetties. The rapid growth of Shanghai, and particularly the influx of crowds of houseless refugees, brought about a condition of things with which the existing Committee was entirely unable to cope, and towards the end of 1853, at a meeting of Landrenters, a resolution to the following effect was adopted unanimously:—

"That this meeting considers some system of Municipal Regulations absolutely indispensable to the comfort, order, and safety of the community, and that as representing the body of the residents they are prepared to take into favourable consideration at the earliest moment any well-devised system that may be suggested."

Sir Rutherford, as British Consul, had realised by experience "the want of some authority, by which all the diverse elements of this cosmopolite Settlement in the occupation of foreigners of many nations and of a native population, might be welded together." It will be noted at once that the Council created by the Land Regulations was to be not merely an executive Body, but an authoritative body. Its authority was to extend over all residents in the Settlement of whatever nationality, for as the original Regulations stipulated: "Individuals belonging to other nations renting ground . . . or temporarily residing within the boundaries of the ground . . . set apart to be rented to English merchants, must all, in the same manner as the English people, obey all these Regulations."

The Regulations of 1854, then, were drawn up by the representatives of the three Treaty Powers; the British Consul, Alcock, the American Consul, Murphy, and the French *ad interim* Consul, Edan. They were revised and approved by the three Ministers of the Treaty Powers, and the Taótai attached his seal to them. The express design of the Regulations was to give the foreign community "the right of self-Government and the power of Taxation for municipal purposes; with the means under both these heads of providing for their own security and well-being." Sir Rutherford answered for himself and his colleagues that they would interfere with the Municipal Council no further than "by suggestions to indicate . . . the best course to be followed for the removal of difficulties." The Regulations were intended "to give that cosmopolite community a legal status; an existence as a body capable of taking legal action, and of lending a legal sanction to measures required for their defence." Sir Rutherford draws attention more than once to the full authority given to the Council to protect life and property "from causes of national disturbance in the country where they were located, from sources of disquiet and danger within and without the Settlement, where a large native population bid fair to dispute possession with the foreigners for every rood of ground within the limits." In a later passage he showed once more that the widest powers were given by the Regulations to the Municipality, He said:—

"And if it was essential that the community should mould itself into some tangible and legal form, take 'a local habitation and a name,' for such major objects of safety; the secondary objects to be attained were of scarcely less importance in the aggregate, and only to be secured by a power invested with Municipal forms. All the regulations and measures necessary for the preservation of health in the maintenance of cleanliness, for the organisation of police, for the creation and administration of a revenue, were comprehended in Municipal government. In so far as such objects were concerned, it was desired, and desirable that the community should exercise all the powers contemplated in the New Code, self-government, and with it self-taxation for all the objects of public utility and convenience the community were empowered to decide upon."

The Ministers and Consuls of the three Treaty Powers who created the Shanghai Municipality undoubtedly intended to give the municipality complete authority over the Settlement and all residents in its limits, foreign and Chinese. Attempts have been made now and again to impair that authority by Consuls and Chinese officials, and the Council has not always been as strenuous in resisting those attempts as it should be. It was the often-expressed opinion of Mr. George F. Seward, who so ably represented the United States here and in Peking for many years, that the Council did not sufficiently assert the authority with which it was vested; and it is therefore well to remind the community from time to time that it is endowed with the fullest measure of self-government.

DEPARTMENT OF STATE.

Second Assistant Secretary's Room.

MEMORANDUM.

ASSISTANT SECRETARY.
MAR 24 1906

Dear Mr. Bacon: Mr Denby

I am disposed to take Mr. Rockhill's view. In the nature of the thing a Mixed Court, i.e. one in which the jurisdiction is shared between the Chinese and a foreigner, can only exist in virtue of an agreement with China as to its functions and procedure. The Rules are necessarily international, and it is for the Dip. Body and the Chinese Government to establish their international character by agreement. They are now doing this by revising existing rules. I think the Dip. Body is fully able to take care of itself in this regard.

A A G

[redacted]

Dear Mr. Adee:

This is interesting, especially as an indication of the Minister's point of view.

R. B.

The Assistant Secretary.

April 16, 1906, 190 .

Dear Mr. Smith:

Please have a letter written to Mr. Rockhill in accordance with this memo, except the omissions suggested in pencil and in red by Mr. Adee.

R. B.

Redraft at
end of Day's report.

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MAR 23 1906

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No. 214.

February 5, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Re Russian proposals for the revision of their treaty with China of 1881 and the adjustment of matters in Manchuria.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 214.
RJ.

February 5, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

In continuation of my despatch No. 192 of January 10th, I have the honor to inform you that I am reliably informed that the first meeting of the Russian Minister with the Chinese representatives for the revision of their treaty of 1881, and for the adjustment of matters in Manchuria took place on the 23rd ultimo. The Plenipotentiaries on the part of China are, I believe, Chü Hung-chi, Senior Assistant Minister in the Wai-wu Pu, and Tang Shao-i, Junior Assistant in the same Ministry.

I have not been able to learn anything more definite concerning the Russian proposals than that already communicated to you in my despatch No. 192, but I am informed that the Chinese Plenipotentiaries have submitted a long series of counter-proposals and that they are expected to push them very vigorously.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

M. Blaine.

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No. 215.

February 6, 1906.

To Agriculture
March 28/06
B.T.R.

Mr. Rockhill to the Secretary of State.

Subject:

Duties upon fruits imported from the United States. Quoting from the Chinese Tariff annexed to the Treaty with China of 1903.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 215.
W.

February 6, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

Sir:

In reply to your Circular of Dec.9, 1905, I have the honor to state that the Chinese Tariff, annexed to the Treaty of 1903 between the United States and China, provides for duties upon fruits imported from the United States as follows;-

Canned fruits, vegetables, etc. (all weights and measures approximate): Table fruits (apples, apricots, grapes, peaches, pears, and plums), per dozen 2½-pound cans----------	Tls.0.065
Pie fruits (apples, apricots, grapes, peaches, pears, plums,), per dozen 2½-pound cans	.057
Preserved fruits in glass bottles, jars, card-board, or wooden boxes, including weight of immediate package,-- per picul	.650
Asparagus, per dozeh 2½-pound tins------	.118
Corn, per dozen 2 lb. tins ----------	.054
Pease " " " " ----------	.060
String beans ditto ----------	.054
Tomatoes ,per doz. 2½-pound tins --------	.054

All

All other vegetables preserved in tins, bottles, or jars, including weight of immediate package, per picul, ----------	.525
Tomato sauce and catsup	
½ pint bottles, per dozen,----------	.054
1-pint bottles, per dozen, ----------	.087
Jams and jellies,	
1-pound tins, bottles, or jars, per doz.	.060
2-pound tins, bottles, or jars, do	.118
Currants and raisins, per picul, -------	.500
Chesnuts, per picul, ----------	.180
Orange peel, per picul, ----------	.800
All other fruits, 5 per cent. ad valorem. Value is market value in local currency, converted into Hai-kuan Taels, less 12%. (Vide Rule I.)	

Until such time as the provisions of Article IV of the Treaty of 1903 shall be declared to be in force, fruits imported into China must after the payment of the Import duty pay an additional commutation transit tax, equal to one-half of the Import duty, to exempt them from all likin and octroi duties, and any other inland charges whatsoever.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

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No. 214

February 8, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Non-delivery of a telegram addressed to Mr. Bourke Cockran in care of this Legation, September 14, 1905.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 216
PJ.

February 8, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to acknowledge the receipt of your No. 77 of December 16th last, enclosing copies of a letter from the President's Secretary and of the enclosures to the letter, in relation to the failure of the Honorable W. Bourke Cockran to receive a cable message sent to him in my care in September last by Archbishop Agius.

In reply I have the honor to say that the telegram in question was received on September 14th, the day of Miss Roosevelt's Audience, when the whole official staff of the Legation was at the Summer Palace. The telegraph office can give no details in the matter beyond the fact that the native messenger brought back the telegram saying that it was refused. It seems probable, therefore, that, finding the office closed the messenger returned with the telegram, and his statement regarding its non-delivery was misunderstood, or as perhaps more likely, the American Clerk of the Legation directed him to take the telegram to the hotel across the street where Mr. Cockran was staying, but as neither spoke a language mutually intelligible, the messenger failed to understand and thought that the message was refused.

I may say that the telegraph administration has now received instructions to notify the Legation if any telegram is returned by the messenger as undelivered at the Legation. Mr. Cockran is right in his surmise that the Legation would do all in its power to forward the telegrams of American travellers. I deeply regret that the one in question should not have reached him.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

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ASSISTANT SECRETARY,
MAR 24 1906

To Mr. Hornbeck for memo
Horace Donaldson
Mch. 28

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OF STATE.

No. 217.

February 8, 1906.

To J.E. Morley
March 24/06

Mr. Rockhill to the Secretary of State:

Subject:

Reuben Hitchcock Morley. Steps taken by the Legation to discover his whereabouts. Enclosing copies of correspondence with C.D.Jameson and with the Consulate General at Shanghai.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 217.
PJ.

February 8, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to enclose copies of three letters from C. D. Jameson with reference to the disappearance of Reuben Hitchcock Morley, together with my correspondence with the Consul General at Shanghai on the same subject.

On April 26, 1905, Morley called at this Legation and received a passport. The visé to this passport was refused by the Russian Legation owing to Morley's statement to the Russian Chargé d'Affaires that he intended to go into Siberia from Mongolia, and that he was desirous of entering the Russian service. I may say that during his call at this Legation his manner was noticeably peculiar and that his plans for the future seemed wild in the extreme.

The enclosed letters show that Morley again came to Peking on May 16th, and registered at the Hotel du Nord. One Le Verger joined him at the above hotel on May 22nd, and on June 1st they both left for Lama Miao (Dolonnor) in company with Gustav Dohr, a German trader. Morley and Le Verger arrived in Jehol about July 19th or 20th and called upon Mr. Jameson on the 21st. Le Verger returned to Peking August 1st and called at the Legation in regard to a duplicate passport for Morley, the original having been lost.

For various reasons the duplicate passport was refused.

The Legation, considering it dangerous for him to travel in that part of the country, and being anxious that he should return to Peking, accordingly, on August 3rd, telegraphed him as follows:

"Morley, Jehol. Duplicate passport cannot be sent you. Must return to Peking and make fresh application. (Signed) Coolidge."

On the following day Morley replied as follows:

"Now too late to return Peking. Manage without passport."

A few days after this Le Verger left Peking en route for Jehol. He returned again on September 16th, unaccompanied by Morley. On the 28th Le Verger went to Tientsin and by chance met Mr. Jameson on the train, to whom he told the story of his separation from Morley, which is clearly set forth in the enclosed letter of Mr. Jameson to Mr. Coolidge of January 19th. Among Other things Le Verger said he had advanced 500 Taels to Morley.

Before leaving Peking, Le Verger borrowed $100 from the manager of the hotel, announcing his intention of returning in a day or two. His trunks, which he left at the hotel, were subsequently found to contain nothing.

In Mr. Jameson's letter you will also note that at the office of the China Merchants Steam Navigation Company, Tientsin, there was sold on September 28th a first class ticket to a man whose name as written by the clerk appears as "Morey". The customs report of the ship shows that there was no foreigner on board. On the same day in the passenger list of another ship appears a name similar to Le Verger. Both ships arrived at Shanghai about October 2nd, the day on which the forged draft was drawn at Shanghai on Morley's letter of cred-

it,

I may add that the Legation is doing everything in its power to discover the whereabouts of Morley. Not only has the Chinese Government been urged to investigate the matter, but a letter has also been sent to the Catholic Bishop in the vicinity of Jehol, begging him to enquire from the various Catholic Missions in his diocese whether they have any information regarding the movements or whereabouts of Morley.

The Department will be advised by telegraph if the search, now under way, has any results.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1. January 19th, 1906, Mr. Jameson to Mr. Coolidge.
2. February 5th, 1906, Mr. Jameson to Mr. Rockhill.
3. February 6th, 1906, Mr. Jameson to Mr. Coolidge.
4. January 6th, 1906, Mr. Rodgers to Mr. Rockhill,
5. January 26, 1906, Mr. Rockhill to Mr. Rodgers.

Enclosure No. 1 in Despatch No. 217.

Peking, January, 19th. 1906.

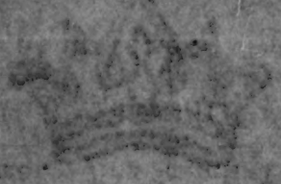
My dear Coolidge:-

The following are some notes on the"R. H. Morley Affair". I have not the date of the departure of Morley for Mongolia. You have that or you can get it at the Hotel du Nord. Morley however left with E. H. Le Verger, a Frenchman and a German trader whose name you have. Note. This German had "goods" for Harbin and was Agent for Mr. Zurn the proprietor of the Hotel du Nord. As Morley afterwards told me, they crossed the Great Wall at Nankow and kept together as far as Lama Miao. At this place the German trader took ox carts and as he would be at least 52 days on the road Morley and Le Verger left him and travelled south-east through Feng-ning Hsien to Jehol.

They had no servant. Morley knew no Chinese. Le Verger some. How much I do not know. Each had a pony and their scant luggage went by cart or pack animal, hired for only a few stages at a time. They arrived in Jehol about July 19th. or 20th. and called on me at my house there about 4 P.M. July 21st. Morley then gave me the above information regarding the trip. He also told me of having had money stolen and repaid by a Chinese Inn-keeper, Also that he had a Passport and a "letter of-credit. Le Verger said but little.

I left Jehol the next morning and stopped at the Chinese Inn to get some letters Morley wished me to mail in Peking. That was the last I saw of Morley.

Le Verger arrived in Peking August 1st. and called at the Legation re. a duplicate passport for Morley, as he, Morley, had lost the original. Le Verger told me that it was taken from Morley's saddle bags while in a Chinese street



BUDS
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PAPER

street
crowd in Jehol. Le Verger left Peking August 8th. en route for Jehol. (so he said).

September 16th. LeVerger returned to Peking and stayed at the Hotel du Nord until September 28th. when he left on the morning train for Tientsin. At the hotel he said he would return in a day or two . He left his trunks at the hotel and an unpaid account of about $75.00. He also borrowed $100.0 from the Manager. He has never returned and his trunks contained nothing.

By chance I went to Tientsin on the morning train of September 28th. and Le Verger told me the following story on the way down. After leaving Peking August 8th. he returned to Jehol and met Morley either there or some two days north of Jehol at a Roman Catholic Mission. Any way they were at this Mission together. Morley had no Passport but insisted upon going north to the Russians. Morley had no money and owed Le Verger several hundred taels. Morley had borrowed one hundred taels from the Missionaries. Le Verger warned them to lend no more money and refused to continue north with Morley--said Morley must return to Peking with him. Morley agreed and they started. At the Mission was a Tientsin servant who wished to get home. At the request of the Missionaries Le Verger agreed to pay the expenses of the servant to Tientsin and in return the servant was to cook and attend to Morley and Le Verger on the road.

Some two days from the Mission Station Morley changed his mind and insisted on turning north. Le Verger refused and they agreed to spparate. Morley wished the servant but the servant declined and Morley and Le Verger had some words over the matter. Le Verger and the servant returned to Peking. Le Verger was now on his way to France via America and had a letter of introduction to Morley's father from whom he hoped to receive the money he had advanced to Morley. Tls.500-

street
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hoped to receive the money he had advanced to Morley. Tls.500-

Tls.500.

The above is the story as told me by Le Verger on the train to Tientsin September 28th. I did not see any letter to Morley's father. Le Verger also said Morley started north alone.

At the Hotel du Nord they report that when Le Verger arrived September 16th. the only person with him was a Donkey-man and that Le Verger never had a personal servant.

In Tientsin September 28th. at the office of the China Merchants Steam Navigation Company, there was sold a 1st. class ticket for Shanghai to a man whose name as written by the Chinese clerk appears as Morey. This ticket was sold for the S.S. Hsin feng. The Customs report of this steamer shows 80 Chinese passengers and not one foreigner.

On the same day in the passenger list of the German steamer Tsin Tau appears a name similar to Le Verger.
Note. The names of passengers are written by clerks and not by the passenger.

Both of these steamers reached Shanghai about October 2nd. I inclose a copy of the signatures of both Morley and Le Verger. I have given Mr. Ragsdale full descriptions of both Morley and Le Verger which you can get from him.

I hope this matter will be thoroughly investigated as I am convinced there has been some foul play.

Yours truly,

C. D. Jameson.

The above is the story as told me by Le Verger on the train to Tientsin September 28th. I did not see any letter to Morley's father. Le Verger also said Morley started north alone.

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Yours truly,

C. D. Jameson.

Enclosure No. 2 in Despatch No. 217

Mr. Jameson to Mr. Rockhill.

Peking, February 5, 1906.

My dear Mr. Rockhill:

Re the "Morley Affair". In addition to my letter of January 19th to Mr. Coolidge I will call your attention to several points which might be of use in tracing Mr. Morley. Le Verger was in Peking from the first to the eighth of August and during that time we know that Morley was in or near Jehol. Leaving Peking August 8th Le Verger would have arrived in Jehol August 13th, and as he arrived in Peking on September the 16th, he must, according to his own account, have left Morley About September 10th within three days march of Jehol. There is nearly one month in which he and Morley were together, part of the time as guests at some Roman Catholic Mission within this area of not more than 100 miles to the north of Jehol. This Mission should not be difficult to find. The route they travelled could be easily traced if the Chinese really wished to trace it; but as the Chinese fear that they will be held responsible if anything has gone wrong with Morley, they will do absolutely nothing in the matter. As we have no reason to believe that Morley had any money with him and as he travelled with no servant, if he travelled at all after Le Verger left, he could be easily traced.

(Signed) C.D.JAMESON.

Enclosure No. 2 in Despatch No. 317

Mr. Jameson to Mr. Rockhill.

Peking, February 3, 1906.

My dear Mr. Rockhill:

Re the "Morley Affair". In addition to my letter of January 19th to Mr. Coolidge I will call your attention to several points which might be of use in tracing Mr. Morley. Le Verger was in Peking from the first to the eighth of August and during that time we know that Morley was in or near Jehol. Leaving Peking August 8th Le Verger would have arrived in Jehol August 13th, and as he arrived in Peking on September the 18th, he must, according to his own account, have left Morley About September 10th within three days march of Jehol. There is nearly one month in which he and Morley were together, part of the time as guests at some Roman Catholic Mission within this area of not more than 100 miles to the north of Jehol. This Mission should not be difficult to find. The route they travelled could be easily traced if the Chinese really wished to trace it, but as the Chinese fear that they will be held responsible if anything has gone wrong with Morley, they will do absolutely nothing in the matter. As we have no reason to believe that Morley had any money with him and as he travelled with no servant, if he travelled at all after Le Verger left, he could be easily traced.

(Signed) C.D.JAMESON.

Enclosure No. 3 in Despatch No. 217.

Mr. Jameson to Mr. Coolidge.

Peking, February 6, 1906.

My dear Coolidge:

Morley arrived at the Hotel du Nord May 16th 1905, - left May 17th, returned May 18th. Le verger arrived May 22nd. They both left June 1st in company with Gustav Dohr (German trader) for Lama Miao.

(Signed) C.D.JAMESON.

Enclosure No. 3 in Despatch No. 217

Mr. Jamieson to Mr. Coolidge.

Peking, February 6, 1906.

My dear Coolidge:

Morley arrived at the Hotel du Nord May 16th 1905, - left May 17th, returned May 18th. Le Verger arrived May 22nd. They both left June 1st in company with Gustav Dohr (German trader) for Lama Miao.

(Signed) C.D.JAMIESON.

Enclosure No. 4 in Despatch No. 217.

Mr. Rodgers to Mr. Rockhill.

Shanghai, January 6, 1906.

S i r :

I have the honor to state that for the last three weeks I have been endeavoring to trace one Reuben Hitchcock Morley who left Shanghai on April 18th for the North and who has apparently disappeared, his family believing that he has been assassinated inasmuch as a draft on his letter of credit which was cashed in Shanghai October 2, 1905, was pronounced a forgery on its receipt in America. We established the fact that a man who registered at the Astor House as R.H.Morley came from Tientsin on October 2nd and presented a draft for one hundred and sixty pounds at the Hongkong and Shanghai Bank, where it was purchased. I have been unable to get further information in Shanghai and have heard nothing from Tientsin although I have written there. The man who represented himself as Morley, unquestionably an impostor, disappeared from Shanghai on the 3rd of October and probably left by sea under another name. My quest in this matter, as you doubtless know, was instigated by the Department, to which I have telegraphed the facts above given.

However, on the 4th instant, Mr. Hunt, of the Standard Oil Company, brought me a telegram received from their office in New York, giving the information that Morley left Peking on June 1st with a camel caravan, with a trader named Dohr and a Frenchman Leverger, to travel through Mongolia to the Russian lines, and that he was last heard of at Dolonnor on June 21st, where Leverger disappeared. I assume that this information

Enclosure No. 4 in Despatch No. 217

Mr. Rodgers to Mr. Rockhill.

Shanghai, January 6, 1906.

S i r :

I have the honor to state that for the last three weeks I have been endeavoring to trace one Reuben Hitchcock Morley who left Shanghai on April 18th for the North and who has apparently disappeared, his family believing that he has been assassinated inasmuch as a draft on his letter of credit which was cashed in Shanghai October 2, 1905, was pronounced a forgery on its receipt in America. We established the fact that a man who registered at the Astor House as R.H.Morley came from Tientsin on October 2nd and presented a draft for one hundred and sixty pounds at the Hongkong and Shanghai Bank, where it was purchased. I have been unable to get further information in Shanghai and have heard nothing from Tientsin although I have written there. The man who represented himself as Morley, unquestionably an impostor, disappeared from Shanghai on the 3rd of October and probably left by sea under another name. My quest in this matter, as you doubtless know, was instigated by the Department, to which I have telegraphed the facts above given.

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must have been obtained through the Legation and therefore I write you to ask if you can possibly obtain the discription of Leverger and Dohr, as I wish to see whether they can be traced in Shanghai and out of this city. If the Legation is possessed of any description of Morley I should like to have that also.

I may add that the Signature of the ~~Reuben~~ H. Morley who registered here October 2nd only faintly resembles that of Reuben Hitchcock Morley who registered on April 12th.

(Signed) JAMES L. RODGERS.

must have been obtained through the Legation and therefore I write you to ask if you can possibly obtain the discription of Leverger and Dohr, as I wish to see whether they can be traced in Shanghai and out of this city. If the Legation is possessed of any description of Morley I should like to have that also.

I may add that the Signature of the Reuben H. Morley who registered here October 2nd only faintly resembles that of Reuben Hitchcock Morley who registered on April 12th.

(Signed) JAMES L. RODGERS.

Enclosure No. 5 in Despatch No. 217.

Mr. Rockhill to Mr. Rodgers.

Peking, January 26, 1906.

S i r :

I acknowledge the receipt of your No. 184 of January 6th making enquiries about Reuben Hitchcock Morley. On December 30th I received a telegram from the Department of the same nature and as it is by no means impossible that Morley may still be in Mongolia I immediately requested the Chinese Government to send word to the Chinese Authorities in Mongolia and Manchuria asking that a search be made for him. This was promised at once, but owing to the difficulty of communication it may be many weeks before any answer is received to the notices sent out.

The last word from Mr. Morley to this Legation was a telegram from Jehol on August 4th as follows: "Now too lateto return Peking manage without passport."

In his correspondence at that time he made no mention of the loss of the letter of credit. I enclose a copy of a letter from C.D.Jameson, an American engineer, to Mr. Coolidge of this Legation, giving such information on this subject as he has been able to gather, together with a fac simile of the signatures of Morley and Le Verger traced from the register of the Hotel du Nord in Peking, and the description of Morley as given on the passport issued April 26th.

(Signed) W. W. ROCKHILL.

Enclosure No. 5 in Despatch No. 747.

Mr. Rockhill to Mr. Rodgers.

Peking, January 26, 1904.

S i r :

I acknowledge the receipt of your No. 184 of January 6th making enquiries about Reuben Hitchcock Morley. On December 30th I received a telegram from the Department of the same nature and as it is by no means impossible that Morley may still be in Mongolia I immediately requested the Chinese Government to send word to the Chinese Authorities in Mongolia and Manchuria asking that a search be made for him. This was promised at once, but owing to the difficulty of communication it may be many weeks before any answer is received to the notices sent out.

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In his correspondence at that time he made no mention of the loss of the letter of credit. I enclose a copy of a letter from C.D.Jameson, an American engineer, to Mr. Coolidge of this Legation, giving such information on this subject as he has been able to gather, together with a fac simile of the signatures of Morley and Le Verger traced from the register of the Hotel du Nord in Peking, and the description of Morley as given on the passport issued April 26th.

(Signed) W. W. ROCKHILL.

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No. 218

February 8, 1906.

Mr. Rockhill to the Secretary of State:

Subject:

The Chinese Government's gratitude for the reception accorded Commissioners Tai Hung-tz'u and Tuan-fang.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 218.
PJ.

February 8, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to enclose herewith a copy of a note received from the Prince of Ch'ing stating that he has received a telegram from Their Excellencies Tai Hung-tz'u and Tuan-fang, members of the Commission appointed for the investigation of foreign methods of Government, announcing their reception by the President and that they had been treated with special kindness.

I am requested to convey to you expressions of the heartfelt gratitude of the Chinese Government towards the President and Government of the United States.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:

1. Prince of Ch'ing to Mr. Rockhill, Feb'y. 3, 1906.

Enclosure in Despatch No. 218.

From F.H. No. 105.

H.

Prince of Ch'ing to Mr. Rockhill.

Foreign Office,

February 3, 1906.

Your Excellency:

I have the honor to inform you that I have received a telegram from Their Excellencies Tai Hung-tz'u and Tuan-fang, members of the Commission for the investigation of Foreign Methods of Government, to the effect that on the 24th of January they were received by the President of the United States; that he expressed a willingness to direct them in the matter of their investigation, treated them with special kindness, and showed an extremely friendly spirit.

We, Prince and Ministers, having perused this message are deeply gratified, and feel it our duty to send you this despatch for the purpose of expressing our thanks, and requesting that you convey expressions of our heart-felt gratitude to your President and Government.

A necessary despatch.

Kuanghsü XXXII.Year, First Moon, 10th Day.

(February 3, 1906)

(SEAL)

Enclosure in Despatch No. 218.

From P.E. No. 105.

H.

Prince of Ch'ing to Mr. Rockhill.

Foreign Office,

February 3, 1906.

Your Excellency:

I have the honor to inform you that I have received a telegram from Their Excellencies Tai Hung-tz'u and Tuan-fang, members of the Commission for the investigation of Foreign Methods of Government, to the effect that on the 24th of January they were received by the President of the United States; that he expressed a willingness to direct them in the matter of their investigation, treated them with special kindness, and showed an extremely friendly spirit.

We, Prince and Ministers, having perused this message are deeply gratified, and feel it our duty to send you this despatch for the purpose of expressing our thanks, and requesting that you convey expressions of our heart-felt gratitude to your President and Government.

A necessary despatch.

Kuangsü XXXII.Year, First Moon, 10th Day.

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No. 219

February 8, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Transmitting account for New Legation Buildings, October 1st, 1905, to January 15th, 1906.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 219.
C.J.

February 8, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

Referring to my No. 124 of October 13th, 1905, I have the honor to transmit herewith the statement of account for the New Legation Buildings for the period extending from October 1st, 1905, to January 15th, 1906.

Mr. Nealy, the Architect in Charge, left Peking to return to Washington on December 23rd, last.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:

1. Account for New Legation Buildings at Peking, October 1st, 1905, to January 15th, 1906.

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Enclosure:

1. Account for New Separation Buildings at Wabiv,
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No. 220.

February 9, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Salary attached to the position of Chinese Secretary of Legation. Requesting that it be increased. Valuable services rendered by the present incumbent.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 220.
RJ.

February 9, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to call your earnest attention to the inadequacy of the compensation annually appropriated as salary for the Chinese Secretary of this Legation, and to most earnestly request that Congress be asked to increase it.

Down to 1884 there was appropriated annually for the salary of an official styled 'Secretary and Interpreter', a sum of $5000. The post of Interpreter having, in 1884, been separated from that of Secretary, a salary of $3000 was then fixed for it, and at this figure it has since remained, although the cost of living has nearly doubled since and the services of a good Chinese interpreter are worth five times this amount to any private business house in China; and even at that price they could probably not be secured, so rare is this accomplishment.

The present incumbent of this post - 'Chinese Secretary' as it is now styled - is a learned and extremely able man, well qualified in every way for his work and devoted to it. He is, as I had the honor to report to you in my despatch No. 205 of January 21st, the mainstay of the Legation, without whom it would be impossible for the Minister to efficient-

ly discharge his duties, and to become which has required years of close study and peculiar and constant application at all times. I do not hesitate to assert that should the Government lose the services of Mr. Williams it would be absolutely impossible to replace him.

Under the circumstances, in view of the increased cost of living, as a reward for his splendid services, and as a means, perhaps, of retaining him in a position to which he is eminently adapted, I respectfully suggest that as soon as possible Congress be asked to raise the salary of this office to $5000. It would be a just reward, and at the same time good policy, - for Chinese Secretaries of the type of the present one are not often found.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

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No. 221.

February 9, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Second Quarterly examination of Mr. Hubert G. Baugh, Student Interpreter.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 221.
PJ.

February 9, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to enclose herewith a copy of the report of the Chinese Secretary of this Legation with reference to the second quarterly examination of Student Interpreter Hubert G. Baugh, who has been six months in Peking.

I have the honor to be, Sir,
Your obedient servant,

W. W. Rockhill

Enclosure:

1. Mr. Williams to Mr. Rockhill, February 8, 1906.

Enclosure in Despatch No. 221

AMERICAN LEGATION,
PEKING, CHINA.

February 8, 1906.

Hon.W.W.Rockhill,

American Minister,

Peking, China.

Sir:-

I have the honor to report that I have this day held the second quarterly examination of Mr. Hubert G. Baugh, Student Interpreter. Mr.Baugh has been in Peking six months, has shown himself very studious, and is making excellent progress in the language. His pronunciation is very good, and in translation from Chinese into English he shows great facility, but he should give more attention to conversation in Chinese for the better training of his ear. He excells in writing the Chinese character, and I wish to commend him particularly on this point.

His marks are as follows:-

Oral Examination

Pronunciation	99%
Chinese to English	99
English to Chinese	90
Giving English of Chinese read to him	85
Interpreting	80
Average Oral	90.6%

Written Examination

Writing Chinese	99%
Grammar and Translation	92
Average Written	95.5%
General Average	93+%

I have the honor to be, Sir,

Your obedient servant,

E. T. Williams

Chinese Secretary

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No. 222. February 9, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Confirming telegram received December 29, 1905, re use of portion of furniture fund for improving Legation premises.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 222.

February 9, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to confirm as follows your telegram received December 29th, 1905:

"American Legation,
Peking.

One thirty seven received. Congress requested grant authority use five thousand furniture appropriation. Will cable when available.

Bacon, Acting."

I have the honor to be, Sir,
Your obedient servant,

W. W. Rockhill

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No. 773. February 10, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

The request of Mr. Frank M. Meyer, Agricultural Explorer, for permission to travel in Manchuria.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 223.
PJ.

February 10, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

/2/ I have the honor to enclose herewith for communication to the Secretary of Agriculture the copy of certain correspondence between this Legation and Mr. Huntington Wilson, American Charge d'Affaires at Tokyo, with reference to the request of Mr. F.M. Meyer, an agent of the Department of Agriculture, asking for facilities to travel in Manchuria.

The Japanese Government have informed Mr. Wilson that they have no objection to Mr. Meyer's proposed travels, which fact I have already had the pleasure of conveying to Mr. Meyer.

I have the honor to be, Sir,
Your obedient servant,

W.W. Rockhill

Enclosures:

1. Mr. Rockhill to Mr. Wilson, December 23, 1905.
2. Mr. Wilson to Mr. Rockhill, January 27, 1906.

Enclosure No. 1 in Despatch No. 223.

Mr. Rockhill to Mr. Wilson.

Peking, December 23, 1905.

S i r :

I am sending you herewith the request of Mr. F.M. Meyer, an agent of the Department of Agriculture, asking that he be permitted to travel in Manchuria.

Mr. Meyer is perfectly well known to this Legation, as he has been here for some months, and there need be no fear that if permission is granted to him he will use it for another purpose than the one specified in his petition. Will you please then take whatever steps seem best, and in case the Japanese Government consent to allow him to make the journey proposed telegraph me to that effect and request that the necessary instructions be sent to the Japanese officials in Newchwang, from which point Mr. Meyer desires to start, so that that he may obtain from them whatever papers are necessary for his progress.

I am, Sir,

Your obedient servant,

(Signed) W. W. ROCKHILL.

Enclosure No. 1 in Despatch No.

CONFIDENTIAL

From: Secretary to Mr. Wilson.

To:

Sir,

I am directed by Mr. T.J. Wilson, Minister of the Department of Agriculture, to say that he would be pleased to spend a few days in Hamburg.

Mr. Wilson is perfectly well known in Hamburg, as he has been there for some months, and there will be no fear that his presence is wanted in Kiel for any other purpose than the one specified in his petition. Will you please then make whatever steps seem best, and in case the Imperial Government do not like him to make this journey privately, telegraph me to that effect and request that the necessary instructions be sent to the Imperial officials in Hamburg. From what point Mr. Wilson desires to depart, he can then be met by one of those whose services are necessary for his purpose.

I am, &c.,

Your obedient servant,

(Signed) W. T. MOORHIN.

CONFIDENTIAL

Enclosure No. 2 in Despatch No. 223.

Mr. Wilson to Mr. Rockhill.

Tokio, January 27, 1906.

S i r :

I beg to acknowledge receipt of your despatch No. 223 of the 23rd ultimo, wherewith you transmitted the request of Mr. F. M. Meyer, an Agent of the Department of Agriculture, asking for facilities to travel in Manchuria.

I am today in receipt of a reply from the Minister for Foreign Affairs, to whom I immediately conveyed Mr. Meyer's request, to the effect that the Ministry for War see no objection to Mr. Meyer's proposed journey and that the necessary instructions on his behalf have already been given to the office of the Commanding General of the Kwantung. It is added that, as no Japanese subjects are now residing along the Yalu River or in the vicinity of Kirin, and it is therefore difficult to arrange for special protection or facilities for Mr. Meyer, it is considered best that he confer with the office of the Governor General of the Kwantung, before deciding to proceed on his tour.

In compliance with your request I have today despatched you a telegraphic answer, which I confirm as follows:

American Legation,

Peking.

Japanese Government have no objection to Mr. Meyer's proposed travels. He should first consult with the Commanding General of the Kwantung, to whom the necessary instructions have been issued.

Wilson.

Enclosure No. 2 in Despatch No. 7-4-3.

Mr. Wilson to Mr. Rockhill.

Tokio, January 27, 1906.

S i r :

I beg to acknowledge receipt of your despatch No. 223 of the 23rd ultimo, wherewith you transmitted the request of Mr. F. M. Meyer, an Agent of the Department of Agriculture, asking for facilities to travel in Manchuria.

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In compliance with your request I have today despatched you a telegraphic answer, which I confirm as follows:

American Legation,

Peking.

Japanese Government have no objection to Mr. Meyer's proposed travels. He should first consult with the Commanding General of the Kwantung, to whom the necessary instructions have been issued.

Wilson.

For your full information, I have the honor to enclose herewith copies of my note to the Minister for Foreign Affairs and his reply.

(Signed) HUNTINGTON WILSON.

For your full information, I have the honor to enclose herewith copies of my note to the Minister for Foreign Affairs and his reply.

(Signed) HUNTINGTON WILSON.

Sub-Enclosure 1 in Enclosure 2, Despatch No. 223.

Mr. Wilson to Kato Takaoki.

Monsieur le Ministre:

Mr. Frank N. Meyer, an Agricultural explorer under the Department of Agriculture of the United States, desires to start from Niuchwang and visit the regions along the Yalu River and the country surrounding Kirin, Manchuria, for the purpose of obtaining specimens of hardy cereals amd different ornamental or fruit trees.

Mr. Meyer is well introduced to this Legation and may be relied upon to make only proper use of any privileges that may be granted him. I have the honorto request, therefore, that Your Excellency kindly cause the necessary instructions to be issued for the extension to him of whatever facilities may be possible, to them end of enabling him to proceed with his travels and investigations.

(Signed) HUNTINGTON WILSON,

To His Excellency

Kato Takaoki,

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

January 9, 1906.

Sub-Enclosure 1 in Enclosure 2, Despatch No. 773.

Mr. Wilson to Kato Takaoki.

Monsieur le Ministre:

Mr. Frank N. Meyer, an Agricultural explorer under the Department of Agriculture of the United States, desires to start from Niuchwang and visit the regions along the Yalu River and the country surrounding Kirin, Manchuria, for the purpose of obtaining specimens of hardy cereals and different ornamental or fruit trees.

Mr. Meyer is well introduced to this Legation and may be relied upon to make only proper use of any privileges that may be granted him. I have the honorto request, therefore, that Your Excellency kindly cause the necessary instructions to be issued for the extension to him of whatever facilities may be possible, to them end of enabling him to proceed with his travels and investigations.

(Signed) HUNTINGTON WILSON,

To His Excellency

Kato Takaoki,

His Imperial Japanese Majesty's

Minister for Foreign Affairs.

January 9, 1906.

Sub-Encl. No. 2 in Enclosure No. 2, Despatch No. 223.

Kato Takaoki to Mr. Wilson.

Tokio, January 26, 1906.

Sir:

I beg to acknowledge the receipt of your note No. 202 dated the 9th instant, relative to the travels of Mr. Frank H. Meyer, an agricultiral explorer under the Department of Agriculture of the United States, in the regions along the Yalu River and the country surrounding Kirin, Manchuria.

I have to say in reply that I am in receipt of a communication from the Minister of War, to whom the matter has immediately been referred, in which he states that he sees no objection to the proposed visit of Mr. Meyer, the necessary instructions to that effect have been issued to the Governor General of Kwantung, but in view of the apparent difficulty to specially extend protection or facilities on behalf of Mr. Meyer inasmuch as no Japanese subject is now residing along the Yalu River or in the vicinity of Kirin, it is considered advisable that Mr. Meyer should apply forinstructions (more correct translation - confer) as to details at the office of the Governor General of Kwantung before deciding to proceed on his tour.

Accept, Sir, etc.,

(Signed) KATO TAKAOKI.

Sub-Encl. No. 2 in Enclosure No. 2, Despatch No. 279.

Kato Takaoki to Mr. Wilson.

Tokio, January 26, 1906.

Sir:

I beg to acknowledge the receipt of your note No. 202 dated the 9th instant, relative to the travels of Mr. Frank H. Meyer, an agricultural explorer under the Department of Agriculture of the United States, in the regions along the Yalu River and the country surrounding Kirin, Manchuria.

I have to say in reply that I am in receipt of a communication from the Minister of War, to whom the matter has immediately been referred, in which he states that he sees no objection to the proposed visit of Mr. Meyer, the necessary instructions to that effect have been issued to the Governor general of Kwantung, but in view of the apparent difficulty to specially extend protection or facilities on behalf of Mr. Meyer inasmuch as no Japanese subject is now residing along the Yalu River or in the vicinity of Kirin, it is considered advisable that Mr. Meyer should apply forinstructions (more correct translation - confer) as to details at the office of the Governor General of Kwantung before deciding to proceed on his tour.

Accept, Sir, etc.,

(Signed) KATO TAKAOKI.

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No. 224.

February 12, 1906.

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Mr. Rockhill to the Secretary of State.

Subject:

Enclosing copy of Imperial Edict appointing T'ang Shao-i to the post of Junior Vice President of the Board of Foreign Affairs.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 224.
PJ.

February 12, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to enclose herewith the copy of a note from Prince Ch'ing informing me that an Imperial Edict has been issued, appointing T'ang Shao-i to the post of Junior Vice President of the Board of Foreign Affairs.

I may add that His Excellency was educated in the United States, at Columbia College, from which he graduated in 1881.

I have the honor to be, Sir,
Your obedient servant,

W. W. Rockhill

Enclosure:

Prince Ch'ing to Mr. Rockhill, February 11, 1906.

Enclosure,-No.---- in Despatch, No. 224.

(Translation)

Prince of Ch'ing to Mr. Rockhill.

From F.O. No.108.

W. Peking, February 11, 1906.

Your Excellency:-

I have the honor to inform Your Excellency that on the 17th. of the First Moon, XXXII Year of Kuanghsü, (February 10, 1906), I received an Imperial Edict, saying:-

"Let T'ang Shao-i take the post of Junior Vice President of the Board of Foreign Affairs." "Respect This."

As in duty bound, I send this despatch for Your Excellency's information.

A Necessary Despatch.

(Signed) Prince of Ch'ing.

Seal of the Foreign Office.

Enclosure,-No.---- in Despatch, No. 224.

(Translation)

Prince of Ch'ing to Mr. Rockhill.

From P.O. No.108.

W. Peking, February 11, 1908.

Your Excellency:-

I have the honor to inform Your Excellency that on the 17th. of the First Moon, XXXII Year of Kuang Hsü, (February 10, 1908), I received an Imperial Edict, saying:-

"Let T'ang Shao-i take the post of Junior Vice President of the Board of Foreign Affairs." "Respect This."

As in duty bound, I send this despatch for Your Excellency's information.

A Necessary Despatch.

(Signed) Prince of Ch'ing.

Seal of the Foreign Office.

RECEIVED MAR 1906 DEPT. OF STATE

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ASSISTANT SECRETARY, MAR 23 1906

No.225. February 13, 1906.

CHIEF CLERK MAR 23 1906 DEPARTMENT OF STATE.

Mr. Rockhill to the Secretary of State.

Subject:

New Mining Regulations. Further remonstrance against Article VII.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 225.
PJ.

February 13, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

In continuation of my No. 200 of January 18th last in regard to Article VII of the new Mining Regulations, I have the honor to enclose herewith a copy of my note to Prince Ch'ing of the 30th ~~instant~~ ultimo, in further remonstrance against the above Article.

I have insisted that Article VII shall be amended so that it shall not conflict in any way with the provisions of the treaty of 1903 between the United States and China.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:

Mr. Rockhill to Prince Ch'ing, January 30, 1906.

Inclosure, No. ____ in No. 225.

Mr. Rockhill to Prince Ch'ing.

Peking, January 30, 1906.

Your Imperial Highness:-

I have the honor to acknowledge the receipt on the 10th. inst. of Your Imperial Highness' despatch in reply to mine of Dec.23, 1905, in which I presented objections to Article VII of the Regulations providing for Provincial Bureaus of Inspection in Mining Affairs. Your Highness states that you had written to the Board of Commerce about the matter, and had received its reply, which you quote at length and forward to me without comment.

I have the honor now to bring the question once more to the attention of Your Imperial Highness, and to say plainly that the reply of the Board of Commerce is not at all satisfactory.

If the intention of the Article be, as is said, to prevent fraud, the object may easily be accomplished without employing language which to the ordinary reader seems clearly to forbid the sale of lands to foreigners. American citizens are permitted by treaty to purchase mining lands, and, as Article VII of these new Regulations forbids the sale of such property to any person not a native of the province, it is clear that it does conflict with the Treaty. The Board of Commerce points out that it also conflicts in the same way with Article III of the original Regulations, and this is an additional reason for amending Article VII of the new regulations, and not, as the Board seems to think, a reason for letting it stand.

It becomes my duty, therefore, to insist that the Article referred to shall be amended so that it shall not conflict in any way with the provisions of the Treaty of 1903 between the United States and China. Since the Board of Commerce disclaims

the

the intention to forbid the sale of mineral lands to foreigners, it will be a very simple matter to make the verbal change that is required, and I trust that Your Imperial Highness will take the action necessary to this end without delay.

I avail myself of the occasion to renew to Your Imperial Highness the assurance of my highest consideration.

(Signed) W.W.Rockhill

Envoy Extraordinary and

Minister Plenipotentiary

of the United States.

the intention to forbid the sale of mineral lands to foreigners, it will be a very simple matter to make the verbal change that is required, and I trust that Your Imperial Highness will take the action necessary to this end without delay.

I avail myself of the occasion to renew to Your Imperial Highness the assurance of my highest consideration.

(Signed) W.W.Rockhill

ary
ates.

Confidential
Copy and other
action taken on
this No. 200 2
and
I think nothing must be done in January
with approving this.
See No. 200 herewith
D-2 C.
3/28

BUREAU OF APPOINTMENTS
FEB 13 1906
No. 182. Department of State.

RECEIVED
FEB 14 1906
DIPLOMATIC BUR. DEPT. OF STATE

Dunlop

Secretary of State.
FEB 13 1906

TELEGRAM RECEIVED IN CIPHER

From Peking, February 13, 1906.

Received 5:30 a.m.

Secretary of State,

Washington.

February 13th, 12 noon. Seventh instant, Tenney informed me:

"Was obliged to offer my resignation Viceroy on account of attitude of officials of the new educational board toward me and my work. Viceroy has not accepted my resignation but has asked me take charge of a company selected students and go with them America. Educational officials consider it intolerable that a foreigner should be exercising control of the government schools. I have no reason to think my being an American enters especially into the matter. I am told that the Japanese are inciting them to crowd me out but I have not (positive) proof of this."

General opinion foreigners all nationalities in Tientsin Japanese are responsible for action of Viceroy. I reserve my opinion on this. I will make inquiry at once about other reported cases.

ROCKHILL.

DEPARTMENT OF STATE
FEB 13 3 34 PM 1901
CHIEF CLERK'S OFFICE

Ciphered by S.H.Q.

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ASSISTANT SECRETARY,
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No. 226. February 14, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Confirming telegrams regarding reported dismissal of American officials in the service of the Imperial Chinese Government. Enclosing letter from Dr. C.D.Tenney, President Tientsin University.

AMERICAN LEGATION,
PEKING, CHINA.

No.226.
PJ.

February 14, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to acknowledge the receipt of your cipher telegram received the 13th instant, and to confirm my replies thereto of the 13th and 14th as follows:

"Rockhill,
Peking.

American papers report dismissal by China of Tenney President Tientsin University and threatened dismissal of Drew Commissioner Canton and other Americans in Customs service as part of boycott movement. Report.

Root."

"Secstate,
Washington.

February 13th, 12 M. Seventh instant Tenney informed me Quote Was obliged to offer my resignation to Viceroy on account of attitude of officials of the new Educational Board toward me and my work Viceroy has not accepted my resignation but has asked me to take charge of a company selected students and go with them America Educational officials consider it intolerable that a foreigner should be exercising control of the Government schools I have no reason to think my being an American enters especially into the matter I am told that the Japanese are inciting them to crowd

me out but have no positive proof of this End of quotation General opinion foreigners all nationalities in Tientsin Japanese are responsible for action of Viceroy I reserve my opinion on this I will make inquiry at once about other reported cases.

Rockhill."

"Secstate,

Washington.

February 14th, 11 A.M. Have seen Inspector General Customs He says he received a petition from Fuchow asking for Drew's transfer elsewhere and threatening trouble He reported Foreign Office asking effective measures be taken to prevent any trouble Foreign Office wired Viceroy He replied there was no cause for apprehension Inspector General mentioned no other case There was not demand for dismissal.

Rockhill."

I enclose herewith, confidentially for the information of the Department a copy of Mr. Tenney's letter to me with reference to his resignation.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

omit enclosure

Enclosure:

Mr. Tenney to Mr. Rockhill, February 7, 1906.

Enclosure in No. 226.

Tientsin, February 7, 1906.

Dear Mr. Rockhill:

I have felt obliged to offer my resignation to the Viceroy on account of the attitude of the officials of the new educational Board toward me and my work.

The Viceroy has not accepted my resignation but has asked me to take charge of a company of students who will be selected to go with me to America. He says in effect that he does not feel it advisable to support me in my present position against the united opposition of the educational officials. They consider it intolerable that a foreigner should be exercising control of the Government schools. I have no reason to think that my being an American enters especially into the matter. I am told that the Japanese are inciting them to crowd me out, but I have no positive proof of this.

I am deeply disappointed not to be able to carry my plans to completion after getting the schools so well organized. I am afraid that the thoroughness of the courses of study and the strictness of discipline that I have tried to maintain are the things that are particularly obnoxious to the six-months-in-Japan literati who are now in control of educational matters.

I shall probably bring my work to a termination in the course of three months. I know that you are interested in my work, and so thought you would like to be informed about the present situation.

I shall go to Peking and see you, of course, before I leave China. The question I am now resolving is what to do next, and I shall be glad of your advice.

(Signed) CHAS. D. TENNEY.

Washington, February 7, 1905.

Hon. W. ROCKHILL:

I have this day written to Mayor [illegible] regarding the [illegible] of the new educational Board [illegible] my work.

The Mayor has not accepted my resignation but says he is to take charge of a bureau of education which will be organized to go with [illegible]. He says inasmuch as the fact that he does not feel it advisable to support me in my present position against the wishes and opposition of the educational officials. They consider it impossible that a foreigner should be associated with the Government schools. I have no reason to think my leaving an American nature especially hurt the matter. I am told [illegible] purposes [illegible] there to spend [illegible] possibly proof of this.

I am deeply disappointed not to be able to carry my [illegible] to completion after getting [illegible] I am afraid that the [illegible] the existence of electricity that I have tried to [illegible] and by [illegible] mounting-in-paper like [illegible] of educational matters.

I shall probably [illegible] in the course of three months. I know that [illegible] my work, and should like to be informed about the present situation.

I shall go to Peking and see, of course, Dr. Jenkins. The question I am most anxious is what to do next, and I shall be glad of your advice.

(Signed) DAVID C. EDDY.

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Tientsin mail of April 9/06

No. 227. February 15, 1906.

Thos. April 13

Letter to be presented

Note as received.

Mr. Rockhill to the Secretary of State.

Subject:

Failure of the Consul General at Tientsin to keep this Legation informed on matters of importance in his district.

Enclosure in Despatch No. 227.

Mr. Rockhill to Mr. Ragsdale.

Peking, February 14, 1906.

S i r :

The Department of State in its Circular of December 16th, 1904, and again in its Circular of March 23, 1905, directed the Consular Officers of the United States to keep this Legation promptly and fully informed of all matters of interest in their respective districts.

In my No. 199 of August 25th, and in private letters, I called your attention to your failure to keep me informed of important matters in Tientsin of which I had learnt accidentally.

Within the last few days the Secretary of State has wired me concerning the reported dismissal of Mr. Tenney from the presidency of the Tientsin University, a subject of great importance to our interests in North China. You have failed again in this case to make even the briefest report to this Legation, and I am therefore constrained to inform the Secretary of State of your continued disregard of the Department's instructions, which hampers me in the discharge of my duties.

(Signed) W. W. ROCKHILL.

Enclosure to Despatch No. [illegible].



No. Foochow to Mr. Macedo.

Foochow, December 14, 1928.

The Department of State is very grateful to [illegible] for the kind, prompt and CORDIAL [illegible] of the United States [illegible] to keep this Department promptly and FULLY informed of all [illegible] of interest in their respective districts.

In My No. 190 of March 1928, and in previous letters, I called your attention to your failure to keep me informed of important matters in Algeria on which I had [illegible] dently [illegible].

During the last few days the Secretary of State has [illegible] to me [illegible] the reported dismissal of Mr. Tooney [illegible] the presidency of the Tientsin Interocity, a subject of great importance to our interests in North China. You have failed again [illegible] to make even the briefest report to this [illegible], until an inquiry [illegible] concerning to Tientsin [illegible] ity, or [illegible] of your continued disregard of the Department's instructions, which [illegible] in the discharge of my duties.

(Signed) [illegible]

April 3, 1906.

Mr. Bacon:

Minister Rockhill complains that Consul General Ragsdale at Tientsin does not keep the Legation informed of events occurring at his post.

The Consul General has forwarded to the Department copies of three of Mr. Rockhill's letters to him on the subject, together with his explanations.

(1) Minister states that Taotai of Tientsin, when visiting Peking, told him the Viceroy had issued orders that boycott be stopped. Ragsdale had not reported this.

Ragsdale explains that the first he knew of the matter was to the effect that the Viceroy had authorized a Captain Leonard to report the matter to the Minister. Proclamation was not printed until 3 days after Taotai's visit to Peking, and Consul General is therfore not to blame for his failure to report this case. Minister subsequently told Ragsdale the explanation was satisfactory.

(2) Minister complained that he first learned of a certain proclamation of the Taotai through newspapers.

Ragsdale says he mailed copy of proclamation to Minister

the day before it appeared in the papers, and any delay was the fault of the mails. He also says that such information is never given him by officials.

(3) Minister stated Ragsdale did not report the discontinuance of the services of Mr. Tenney as President of the Tientsin University.

Ragsdale says Mr. Tenney did not inform him that he had resigned, though he saw him the day resignation was sent in. As soon as Ragsdale learned of it he asked Mr. Tenney for the facts in order to report them to the Minister, and Mr. Tenney said he had just written a full explanation to the Minister and that as his resignation has not yet been accepted and other matters were pending, he had not told his friends in Tientsin about it and preferred not to have it reported officially, and he told Ragsdale distinctly that the matter was unsettled and that an official report of it would be improper under the circumstances.

I suggest that we write the Consul General instructing him to use every effort to keep the Legation promptly and fully informed of any and all events occurring in his district, and that the Minister be told that from copies of correspondence between his office and the Consulate General which the Consul General has sent here, it appears that the latter

has endeavored to obey the instructions of the Department on the subject but in several cases, owing to circumstances beyond his control, was unable to do so.

WMB.

Secretary of State,
MAR 26 1906

RECEIVED
MAR 26 1906

CHIEF CLERK
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ASSISTANT SECRETARY,
MAR 24 1906

No. 228. February 14, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Destruction of English and Catholic Mission buildings by rioters at Chang-p'u Hsien, Fukien. Steps taken to insure protection for Americans in the vicinity.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 228.
PJ.

February 14, 1906.

To the Honorable

Elihu Root,

Secretary of State,

Washington, D.C.

S i r :

I have the honor to inform you that on the 9th instant I received a telegram from the American Consul at Amoy informing me that English and Catholic Missions at Changpoo had been destroyed by Boxers, but that the Americans in the vicinity were for the present unmolested.

I immediately addressed a note to the Wai-wu Pu, a copy of which I enclose, requesting that the local authorities be instructed to suppress the disturbance and to afford instant and efficient protection to the lives and property of the Americans.

I also have the honor to enclose copies of three notes which I have received from Prince Ch'ing in regard to the above disturbances, the last containing an Imperial Edict, ordering the civil and military authorities to put a stop to the movement and to give due protection to all churches.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1. Mr. Rockhill to Prince Ch'ing, February 9, 1906.
2. Prince Ch'ing to Mr. Rockhill, February 10, 1906,
3. Prince Ch'ing to Mr. Rockhill, February 12, 1906.
4. Prince Ch'ing to Mr. Rockhill, February 13, 1906.

Enclosure No. 1 in Despatch No. 228.

Mr. Rockhill to the Prince of Ch'ing.

Peking, February 9, 1906.

Your Imperial Highness:

I have the honor to inform Your Imperial Highness that I am just in receipt of a telegram from the American Consul at Amoy, saying that rioters have destroyed the English and Roman Catholic missions at Chang-p'u Hsien in the prefecture of Chang-chou, Fukien, and that American missions have not been molested as yet.

It becomes my duty, therefore, to request Your Imperial Highness to at once instruct the local authorities to make no delay in suppressing the disturbance, and to afford instant and efficient protection to the lives and property of Americans in the vicinity.

Confident that Your Highness will comply with this request, I have the further honor to ask that Your Imperial Highness will inform me of the measures taken.

I avail myself of the occasion to renew to Your Imperial Highness the assurance of my highest consideration.

(Signed) W.W.ROCKHILL.

TYPEWRITER

PAPER

Enclosure No. 2 in Despatch No. 228.

Prince Ch'ing to Mr. Rockhill

Peking, February 10, 1906.

Your Excellency:

I have the honor to acknowledge the receipt of your despatch of the 9th instant stating that you had received a telegram from the American Consul at Amoy to the effect that rioters had destroyed the English and Roman Catholic missions at Chang-p'u Hsien, but that the American missions had not been molested as yet; would I therefore at once instruct the local authorities to make no delay in suppressing the disturbance, and to afford instant and efficient protection to the lives and property of Americans in the vicinity.

In reply I have the honor to state that my Board has already telegraphed the Governor of Fukien directing him to order the local officials to make an immediate investigation of the affair and report; also to take steps to quiet the people and to protect the missionaries and their chapels. This is on record.

As soon as a reply has been received from the Governor in the matter I will communicate further with Your Excellency but in the meantime, as in duty bound, I send this reply to Your Excellency's recent despatch for your information.

A Necessary Despatch.

(Signed Prince of Ch'ing.

Enclosure No. 2 in Despatch No. 228.

Prince Ch'ing to Mr. Rockhill

Peking, February 10, 1906.

Your Excellency:

I have the honor to acknowledge the receipt of your despatch of the 9th instant stating that you had received a telegram from the American Consul at Amoy to the effect that rioters had destroyed the English and Roman Catholic missions at Chang-p'u Hsien, but that the American missions had not been molested as yet; would I therefore at once instruct the local authorities to make no delay in suppressing the disturbance, and to afford instant and efficient protection to the lives and property of Americans in the vicinity.

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A Necessary Despatch.

(Signed Prince of Ch'ing.

Enclosure No. 3 in Despatch No. 228.

Prince of Ch'ing to Mr. Rockhill.

Peking, February 12, 1906.

Your Excellency:

Referring to our correspondence with regard to the disturbance at Chang-p'u (near Amoy) I have the honor to state that on the 10th instant I received a telegram from the Acting Viceroy as follows:

"The District Magistrate of Chang-pu reports that the people raised this disturbance because some natives had been forcibly detained in the Catholic cathedral. The trouble resulted in the burning of a school house built in Chinese style. I have already telegraphed to the Provincial Commander in Chief of the matter and have despatched troops to the place to co-operate with the local civil and military authorities in quieting the disturbance and dispersing the people, having given them orders also to give due protection to the churches."

On the 11th, just while this matter was being dealt with I received another telegram from the same Viceroy, which reads as follows:

"The Chang-p'u Taot'ai reports that after the burning of the Chinese catholic church the rioters mixed with the crowd and entered the city, where they burned the English church (built after foreign style) and the hospital. The military and civil authorities sent troops to arrest the rioters, and killed twelve of them. They arrested also the ring-leader, named Chang-ying. The Chinese and foreign Christians are all safe and under protection. Chang-ying is guilty of a very serious crime, and I have already telegraphed that he be executed at once on the scene of his crime. I have also sent troops to afford efficient protection, and to arrest all other culprits."

Having received the above telegrams I incorporate them in this despatch to Your Excellency, as in duty bound.

A Necessary Despatch.

(Signed) Prince of Ch'ing.

Enclosure No. 3 in Despatch No. 228.

Prince of Ch'ing to Mr. Rockhill.

Peking, February 12, 1906.

Your Excellency:

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Having received the above telegrams I incorporate them in this despatch to Your Excellency, as in duty bound.

A Necessary Despatch.

(Signed) Prince of Ch'ing.

Enclosure No.4in despatch No. 228.

Prince of Ch'ing to Mr.Rockhill.

(Translation)

Foreign Office,

February 13, 1906.

Your Excellency:

I have the honor to inform Your Excellency that on the 12th inst. I received an Imperial Edict as follows:-

"The Board of Foreign Affairs has presented a telegram from Ch'ung-shan (Tartar General and Acting Viceroy of Min-Che Provinces) saying that in the District of Chang-p'u some rioters entered the city and burned the church and a hospital; that the civil and military authorities had sent troops to the scene to scatter the crowds and arrest the rioters; that they had captured Chang-ying, the leader in the affair, who had confessed his guilt and been executed forthwith. Let the Viceroy again give orders to the local civil and military authorities directing them to use their best endeavors to arrest the rest of the criminals, and put down the movement, destroying every root and branch. Let special efforts be used in giving due protection to all the churches. Let there be no remissness. Respect this."

Having received the above, I have, as in duty bound, had a copy made as incorporated in this despatch for Your Excellency's information.

A necessary despatch.

(SEAL)

Enclosure No.4in despatch No. 228.

Prince of Ch'ing to Mr.Rockhill.

(Translation)

Foreign Office,

February 13, 1908.

Your Excellency:

I have the honor to inform Your Excellency that on the 12th inst. I received an Imperial Edict as follows:-

"The Board of Foreign Affairs has presented a telegram from Ch'ung-shan (Tartar General and Acting Viceroy of Min-Che Provinces) saying that in the District of Chang-p'u some rioters entered the city and burned the church and a hospital; that the civil and military authorities had sent troops to the scene to scatter the crowds and arrest the rioters; that they had captured Chang-ying, the leader in the affair, who had confessed his guilt and been executed forthwith. Let the Viceroy again give orders to the local civil and military authorities directing them to use their best endeavors to arrest the rest of the criminals, and put down the movement, destroying every root and branch. Let special efforts be used in giving due protection to all the churches. Let there be no remissness. Respect this."

Having received the above, I have, as in duty bound, had a copy made as incorporated in this despatch for Your Excellency's information.

A necessary despatch.

(SEAL)

BUREAU OF APPOINTMENTS
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TELEGRAM RECEIVED IN CIPHER.

Secretary of State,
FEB 14 1906

From Peking

Received February 14th, 1906.

5:35 A. M.

CHIEF CLERK
FEB
14
DEPARTMENT
OF STATE

Secretary of State,

Washington.

February 13th, 12 M. Have seen Inspector General Customs. He says he received a petition from Fuchau asking for Drew's transfer elsewhere and threatening trouble. He reported Foreign Office asking effective measures be taken to prevent any trouble. Foreign Office wired Viceroy. He replied there is no cause for apprehension. Inspector General mentioned no other case. There was not demand for dismissal.

ROCKHILL.

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Deciphered by C. R. D.

BUREAU OF APPOINTMENTS
FEB 15 1906
Department of State

No. 283

TELEGRAM RECEIVED IN CIPHER.

RECEIVED
FEB 16 1906
DIPLOMATIC BUR. DEPT. OF STATE.

From Peking

Received February 15,1906.

10:26 A.M.

acti Feby 17

Secretary of State,

Washington.

February 15th, 5 P.M. Confidential.

Private letter received here from a member of Chinese High Commission says that when entering the United States, the authorities attempted bodily examination Commissioners, but desisted only taking finger prints, et cetera, of the Secretaries. I fear effect if this report spreads. Can I, if necessary, ddny it?

ROCKHILL.

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ciphered by C.R.D.

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ASSISTANT SECRETARY, MAR 24 1906

CHIEF CLERK MAR 24 DEPARTMENT OF STATE.

RECEIVED MAR 28 1906 DIPLOMATIC BUR. DEPT. OF STATE.

No. 229. February 16, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Customs and Postal agreements between the Chinese and German Governments. Enclosing Customs Circulars Nos. 1,302, 1,303, 1,306, and 132.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 229.
P.

February 16, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

With reference to my No. 144 of November 8th, 1905, informing the Department that the German Government had made arrangements with the Chinese Government for the discontinuance of the German postal service along the line of the Tsinan Fu Kiao-chau Railway and for the establishment at Tsingtau of the Imperial Chinese Maritime Customs, I have the honor to enclose herewith for the information of the Department four Circulars in duplicate, Nos. 1,303 and 132 dealing with the new arrangement between the postal administrations of China and Germany, Nos. 1,302 and 1,306 relating to the Kiao-chau Custom House and the new Customs agreement with the Germans, designated the Tsing-tau Amendment.

I beg to call the attention of the Department to Article I of the Amendment, stipulating a 20% contribution from Import duties to the expenses of the territory.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

Inspectorate General of Customs, Circulars 1,302, 1,303, 1,306, and 132.

Postal Circular No. 132.

INSPECTORATE GENERAL OF POSTS,

POSTAL SECRETARY'S OFFICE,

PEKING, *5th December* 1905.

POSTAL ARRANGEMENT WITH GERMANY.

THE Inspector General instructs me to state as follows:—

Postal Arrangement with Germany notified.

1.—As the result of negotiations begun in December 1901, a Postal Arrangement has now been concluded between the Postal Administrations of China and Germany, the original text of which, in French, will be found in Enclosure 1, accompanied by an English translation. It contains 12 Articles, which, in order and meaning, correspond as near as possible to those of the French Arrangement of 1900; the few changes or additions to be noticed in Articles I, II, and IV were necessary, to maintain existing relations rigorously based from the beginning, as you are aware, on Union footing.

2.—In giving effect to the new Convention, you will particularly note the following points:—

1°. Three German Post Offices already open are added to those of the Treaty ports and recognised as Offices of exchange, namely, the German Post Offices at Chinan and Weihsien — the latter only temporarily, — provided these two Offices function outside of the international trading marts at those cities, and the Office in the Legation quarter at Peking, under certain conditions. On the other hand, the Chinese Post Office at Tsingtau is formally constituted into an Office of exchange and allowed to have direct relations with the Shantung Railway Administration in matters connected with the transport of its mails (Article I, § 2).

2°. The provisions of the I.P.O. tariff for the treatment of international correspondence are recognised by the German Offices (*N.B.* at end of Article IV); but for correspondence to and from Tsingtau, the rates between German Post Offices in China rule in the matter, and attention has to be drawn in this connexion to the special table, *A*, given in Enclosure 2, and the observations thereon, *B*.

To

THE POSTAL COMMISSIONERS AND POSTMASTERS.

Postal Circular No. 132.

3°. Existing parcel post arrangements continue pending a special Agreement.

4°. Rules (*a.*), (*b.*), (*c.*), (*d.*), and (*e.*) of § 2, Postal Circular No. 117, embody working principles, which apply in every respect to the new German understanding, and they should now be read again.

3.—No date has been fixed for the putting in force of this new Agreement, but you will be guided by Article XII, and begin at once to abide by its stipulations in so far as they can affect the practice at your port.

By Order of the Inspector General,

T. PIRY,

Postal Secretary.

ENCLOSURE No. 1.

Postal Circular No. 132.

ARRANGEMENT RÉGLANT LES RAPPORTS PARTICULIERS ENTRE L'ADMINISTRATION DES POSTES IMPÉRIALES D'ALLEMAGNE ET L'ADMINISTRATION DES POSTES IMPÉRIALES DE CHINE.

ARTICLE I.

Échange des Correspondances.

1.—Il y a entre l'Administration des Postes Impériales d'Allemagne et l'Administration des Postes Impériales de Chine un échange périodique et régulier de correspondances ordinaires ou recommandées, internationales ou en transit, en dépêches closes ou à découvert, au moyen des services ordinaires ou spéciaux, établis ou à établir, dont disposent respectivement les deux Administrations.

2.—L'échange des correspondances entre les deux Administrations a lieu par l'intermédiaire des bureaux de poste allemands établis dans les ports-à-traité et des bureaux de poste chinois établis dans les mêmes ports.

Sont reconnus comme bureaux d'échange par l'Administration chinoise: le bureau allemand du quartier diplomatique de Pékin dans les mêmes conditions que les autres bureaux étrangers, le bureau allemand de Chinan et, temporairement, par suite de l'entente spéciale sur ce point, le bureau allemand de Weihsien, établis en dehors du marché international; et, par contre, par l'Administration allemande: l'office chinois de Tsingtau, avec entente que cet office pourra utiliser pour le transport de ses dépêches la voie ferrée du Shantung sans l'intermédiaire de l'office allemand.

ARTICLE II.

Transport des Correspondances.

1.—Les bureaux de poste chinois acceptent des bureaux de poste allemands des correspondances, en dépêches closes ou à découvert, à destination de bureaux chinois, allemands ou étrangers, établis en Chine ou en dehors de la Chine, et les font parvenir à destination par les moyens (les plus rapides) dont dispose l'Administration chinoise (pour ses propres envois).

2.—Les bureaux de poste allemands acceptent des bureaux de poste chinois des correspondances, en dépêches closes ou à découvert, à destination de bureaux chinois, allemands ou étrangers, établis en Chine ou en dehors de la Chine, et les font parvenir à destination par les moyens (les plus rapides) dont dispose l'Administration allemande (pour ses propres envois).

3.—L'office allemand de Tsingtau remet à découvert à l'office chinois ses correspondances pour les localités de l'intérieur autres que Weihsien et Chinan, et, inversement, l'office chinois remet à l'office allemand les correspondances de ces mêmes localités en destination de Tsingtau.

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4.—Chaque Administration supporte les frais résultant des services ordinaires ou spéciaux qu'elle entretient pour le transport des correspondances, mais elle prélève les droits de transit stipulés à l'article V ci-après.

ARTICLE III.

Remise des Correspondances.

1.—La remise des correspondances, en dépêches closes ou à découvert, d'un office à l'autre, se fait de la main à la main, aux bureaux (d'échange correspondants) ou aux points d'échange (fixés d'un commun accord) entre les agents des deux Administrations préposés à l'exécution de ce service.

2.—Il en est donné immédiatement accusé de réception sur une feuille de route dite Part, préparée en double par l'agent expéditeur, sur laquelle est indiqué le nombre de paquets ou sacs de dépêches remis. À l'intérieur de chaque dépêche est incluse une feuille d'avis dans les conditions prévues par l'article XX du Règlement annexé à la Convention Internationale de Washington.

3.—Du moment où l'agent auquel les correspondances ou dépêches sont remises, a délivré cet accusé de réception sans avoir présenté d'observation quant au nombre ou au conditionnement des correspondances ou dépêches, le bureau envoyeur est déchargé de la responsabilité, laquelle incombe dès ce moment à l'office destinataire ou transporteur (jusqu'à preuve du contraire).

ARTICLE IV.

Affranchissement et Distribution.

1.—Chaque Administration fait usage des timbres-poste émis par elle pour l'affranchissement de tout objet de correspondance, quelle que soit sa destination, émanant de ses bureaux; elle fait distribuer sans taxe, dans tous les endroits où fonctionnent ses bureaux, tout objet de correspondance, quelle que soit son origine, qui lui arrive dûment et suffisamment affranchi au moyen des timbres-poste de l'autre Administration (ou valables dans les pays d'origine).

2.—Chaque Administration fixe elle-même ses tarifs. Il est entendu que l'Administration allemande ne pourra appliquer aux correspondances échangées entre ses bureaux en Chine des taxes inférieures à celles adoptées par l'Administration des Postes chinoises. De son côté, l'Administration chinoise se conformera pour les correspondances échangées avec les pays de l'Union postale par l'intermédiaire des bureaux allemands aux prescriptions de l'article 5 de la Convention de Washington. Les deux Administrations se communiqueront réciproquement leurs tarifs.

N.B.—Les bureaux de poste chinois desservis par chemins de fer ou bâteaux à vapeur transmettent et distribuent sans taxe les correspondances internationales qui leur sont remises à découvert par les bureaux allemands dûment affranchies aux tarifs de l'Union, ainsi que celles originaires ou à destination de Tsingtau affranchies au tarif valable entre les bureaux allemands en Chine; mais, sauf les lettres et cartes postales, ces correspondances sont frappées,

dans les bureaux chinois non desservis par chemins de fer ou bâteaux à vapeur, de la taxe domestique prévue au tarif chinois. Postal Circular No. 132.

3.—La correspondance à destination des localités des deux pays où ne fonctionne pas encore le service postal chinois ou allemand est acheminée par la voie des agences particulières aux frais et risques du destinataire.

4.—En ce qui concerne le territoire chinois, lorsque des bureaux chinois et allemands sont établis dans une même ville, chacun de ces bureaux doit lui-même pourvoir à la distribution des correspondances qui lui parviennent. Toutefois, les bureaux allemands pourront, comme par le passé, continuer à faire distribuer leurs correspondances par les bureaux chinois, moyennant rétribution.

ARTICLE V.

Frais de Transit.

1.—Les dépêches closes et correspondances à découvert transportées pour compte des bureaux de poste chinois ou allemands au moyen des services dépendant d'une des deux Administrations contractantes sont soumises, au profit de l'Administration dont les services effectuent le transport, aux frais de transit suivants, savoir:—

(*a.*) Dans l'empire de Chine et le long du littoral chinois y compris les pays étrangers limitrophes,* lorsque la distance n'excède pas 1,500 milles marins et lorsque le port chinois et le port étranger sont desservis par la même ligne de paquebots:

1°. Pour les parcours territoriaux par chemin de fer, ainsi que pour les parcours maritimes n'excédant pas 300 milles marins, à 2 francs par kilogramme de lettres ou cartes postales, et à 25 centimes par kilogramme d'autres objets;

2°. Pour les parcours territoriaux par courrier, ainsi que pour les parcours maritimes excédant 300 milles marins, à 5 francs par kilogramme de lettres ou cartes postales, et à 50 centimes par kilogramme d'autres objets;

(*b.*) Hors de l'empire de Chine,† pour tous les transports ne rentrant pas dans les catégories énoncées à l'alinéa (*a.*) ci-dessus:

1°. Pour les parcours territoriaux ou maritimes, aux sommes, par kilogramme de lettres ou autres objets, fixées par l'article 4 de la Convention Principale de Washington et déterminées, d'après les distances et les pays traversés, dans les Tableaux E publiés par les Administrations contractantes (ou des listes approuvées par elles donnant les poids et catégories des correspondances échangées).

* Correspondances de toutes catégories, domestiques ou internationales.

† Correspondances à destination des pays de l'Union.

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2°. Quant aux correspondances affranchies au moyen de timbres-poste chinois, à destination de l'empire d'Allemagne et de ses dépendances ou de pays étrangers, expédiées en dépêches closes ou à découvert, en transit par l'intermédiaire des bureaux de poste allemands, elles sont expédiées vers leurs destinations respectives de la même manière et sujettes aux mêmes droits de transit que les correspondances confiées aux bureaux allemands par les autres Administrations de l'Union Postale. Les droits de transit sont garantis par l'Administration allemande et remboursés périodiquement par l'Administration chinoise.

2.—Il est entendu:—

1°. Que tout parcours territorial par chemin de fer est gratuit, si l'Administration intéressée a déjà droit, du chef des dépêches ou correspondances bénéficiant de ce parcours, à la rémunération afférente au transit maritime;

2°. Que tout parcours sur le Yangtze-kiang est considéré comme transit maritime;

3°. Que les correspondances provenant de l'étranger, remises à découvert par un bureau allemand à un bureau chinois ou *vice versâ*, au point de débarquement, pour être transmises vers l'intérieur, sont exemptes de droits de transit;

4°. Que les réductions et exemptions stipulées dans l'article 4 de la Convention de Washington s'appliquent aussi au présent Arrangement.

3.—Les frais de transport par la voie des services ou navires ne dépendant pas des Administrations allemande ou chinoise sont réglés de gré à gré entre les parties intéressées.

ARTICLE VI.

Navires de guerre.

Les dépêches closes remises aux bureaux chinois par un bureau allemand pour être transmises au commandant d'un bâtiment de guerre, quelle qu'en soit la nationalité, ou par le commandant d'un bâtiment de guerre, quelle qu'en soit la nationalité, pour être transmises à un bureau allemand, sont passibles, à charge du bureau allemand expéditeur ou destinataire, des droits de transit énumérés à l'article précédent.

ARTICLE VII.

Statistiques de Transit.

La répartition des frais de transit donne lieu à un décompte annuel entre les deux Administrations sur la base de relevés établis chaque année d'après les règles fixées par les Conventions de l'Union Postale en vigueur. Ce relevé a lieu chaque année pendant les 28 premiers jours des mois de mai et de novembre alternativement.

ARTICLE VIII.

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Colis postaux.

1.—L'échange de colis postaux, comme aussi l'échange de mandats de poste, de lettres avec valeur déclarée, etc., pourra faire l'objet d'arrangements spéciaux dès que l'Arrangement principal sera entré en vigueur.

2.—Toutefois, afin de faciliter immédiatement l'échange des colis postaux, l'Administration chinoise consent :—

(*a.*) À transmettre et distribuer, moyennant payement du tarif domestique par le destinataire, les colis postaux ordinaires, assurés, ou grevés de remboursement, provenant de l'Union, qui lui sont remis par un bureau allemand ;

(*b.*) À transmettre à un bureau allemand moyennant payement du tarif domestique par l'expéditeur, les colis postaux ordinaires, assurés, ou grevés de remboursement, à destination de l'Union qui lui sont remis par des particuliers.

3.—Quant aux colis postaux domestiques provenant ou à destination de Tsingtau, ainsi que les colis postaux transmis en dépêches closes d'un bureau à un autre par les services chinois ou allemand, ils sont provisoirement transmis ou distribués sujets aux conditions des arrangements ultérieurs entre les deux Administrations.

ARTICLE IX.

Responsabilité.

1.—En cas de perte d'un objet de correspondance recommandé ou d'une dépêche close, l'Administration qui en avait entrepris le transport et ne peut établir ni la délivrance au destinataire ni la transmission régulière à une autre Administration est rendue responsable de l'objet recommandé perdu, ou des objets recommandés que renfermait la dépêche, dans les limites de l'article 8 de la Convention Principale de Washington et de l'article XXIII du Règlement d'Ordre et de Détail annexé à la dite Convention.

2.—La perte ou la spoliation d'un colis postal donne lieu à une indemnité pouvant s'élever à la valeur du dommage ou de la perte causée, mais ne pouvant en aucun cas dépasser 25 francs pour les colis ordinaires ou 1,000 francs pour les colis assurés.

3.—La protection accordée aux objets recommandés et aux colis postaux ne s'étend pas au-delà des limites d'exploitation des services postaux des Administrations contractantes et ne couvre pas les pertes ou avaries provenant de cas de force majeure, tels que tempête, naufrage, guerre, brigandage, etc.

ARTICLE X.

Marche des Services.

Les Administrations des Postes de Chine et d'Allemagne se communiquent respectivement les changements d'organisation et de marche de leurs services de transport de dépêches, toutes

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les fois que la connaissance de ces changements peut être, de part et d'autre, utile aux relations des deux Administrations, soit entre elles soit avec les Administrations étrangères qui empruntent leur intermédiaire.

ARTICLE XI.

Étendue du présent Arrangement.

L'Administration des Postes de Chine, quoique n'ayant pas encore souscrit aux traités de l'Union Postale Universelle, déclare se soumettre, en ce qui concerne le présent Arrangement, aux stipulations de la Convention Principale et du Règlement d'Ordre et de Détail signés à Washington le 15 juin 1897.

Le présent Arrangement forme donc avec les documents de l'Union Postale Universelle mentionnés ci-dessus, l'ensemble des dispositions qui doivent être, autant que possible, observées dans les relations postales entre les bureaux de poste chinois et les bureaux de poste allemands.

ARTICLE XII.

Durée du présent Arrangement.

Le présent Arrangement sera mis graduellement à exécution aussitôt que possible et demeurera en vigueur pendant un temps indéterminé. Toutefois, les Administrations contractantes pourront y apporter, à toute époque, les modifications que d'un commun accord elles jugeront nécessaires, ou y mettre fin par un avis donné six mois au moins à l'avance.

Fait et signé en double original: Shanghai, le 3 novembre 1905; Pékin, le 25 octobre 1905:

Au nom de l'Administration des Postes d'Allemagne,

BISCHOFF,

Conseiller Impérial des Postes Allemandes.

Au nom de l'Administration des Postes de Chine,

T. PIRY,

Secrétaire Général des Postes Impériales.

Et approuvé:

A. V. MUMM,

Envoyé Extraordinaire et Ministre Plénipotentiaire.

(L.S.)

ROBERT HART,

Inspecteur Général des Douanes et des Postes Impériales.

(L.S.)

(Translation.)

POSTAL CIRCULAR No. 132.

ARRANGEMENT SETTING FORTH THE RELATIONS ESTABLISHED BETWEEN THE IMPERIAL POSTAL ADMINISTRATION OF GERMANY AND THE IMPERIAL POSTAL ADMINISTRATION OF CHINA.

ARTICLE I.

EXCHANGE OF MAILS.

1.—There shall be between the Imperial Postal Administration of Germany and the Imperial Postal Administration of China a regular exchange of postal articles of all kinds—ordinary, registered, international, and in transit, closed or *à découvert*—by any means of transport, ordinary or special, now established or hereafter to be established, which each Administration may have at its disposal.

2.—The exchange of mails between the two Administrations will take place through the German Post Offices established in the Treaty ports and the Chinese Post Offices established in the same ports.

The following are to be recognised as Offices of exchange by the Chinese Administration: the German Office in the Legation quarter at Peking, under the same conditions as the other Foreign Offices therein opened; the German Office at Chinan; and, temporarily, according to the special understanding on that point, the German Office at Weihsien,—both situated outside the international trade mart limits; and, on the other hand, by the German Administration: the Chinese Office at Tsingtau, with the understanding that that Office will, for the transport of its mails, avail of the Shantung Railway without the intermediary of the German Office.

ARTICLE II.

TRANSPORT OF MAILS.

1.—The Chinese Post Offices will accept from the German Post Offices mails, closed or *à découvert*, destined for Chinese, German, or Foreign Post Offices established in or out of China, and will undertake to transmit them to destination by the (most rapid) means of transport at the disposal of the Chinese Administration (for its own sendings).

2.—The German Post Offices will accept from the Chinese Post Offices mails, closed or *à découvert*, destined for Chinese, German, or Foreign Post Offices established in or out of China, and will undertake to transmit them to destination by the (most rapid) means of transport at the disposal of the German Administration (for its own sendings).

3.—The German Office at Tsingtau will hand, *à découvert*, to the Chinese Office the articles of correspondence for the localities of the interior other than Weihsien and Chinan,

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and, inversely, the Chinese Office will hand to the German Office the articles of correspondence from these localities destined for Tsingtau.

4.—Each Administration will support the cost of maintenance of the transport services, ordinary or special, which it may establish for the carriage of mails, but will be entitled to claim payment of the transit charges hereunder stipulated in Article V.

ARTICLE III.

Remitting of Mails.

1.—The remitting of mails, closed or *à découvert*, from one Administration to the other will take place at the (corresponding) Offices (of exchange) or any other authorised places for exchange (fixed on by mutual consent), and will be made from hand to hand between agents regularly appointed for this duty.

2.—The duplicate copy of the Way Bill, called *Part*, brought by the remitting agent and indicating the number of packages or bags remitted, will be at once signed by the receiving agent and handed back to him as acknowledgment of receipt. Inside each package or bag a *Feuille d'Avis* will be enclosed, containing the particulars called for in Article XX of the *Règlement* appended to the International Convention of Washington.

3.—From the moment this agent has taken delivery of the mails and issued an acknowledgment of receipt without making any observation as to the number or condition of the packages or bags, the despatching Office will be discharged of further responsibility, which thereafter will lie with the receiving Office (till proved to the contrary).

ARTICLE IV.

Postage and Delivery.

1.—Each Administration will use its own postage stamps to frank any mail matter, whatever its destination, originating in its own Offices, and will deliver to the addressees free of additional charge in all the localities where it has a Post Office any mail matter, whatever its origin, which arrives duly and sufficiently prepaid by means of postage stamps of the other Administration (or recognised in the countries of origin).

2.—Each Administration fixes its own tariffs. It is understood that the German Administration will not apply to mail matter exchanged between its own Offices in China taxes lower than those adopted by the Chinese Administration. On the other hand, the Chinese Administration will comply, in respect of any mail matter it may exchange with the Union countries through the German Offices, with the stipulations of Article 5 of the Convention of Washington. The two Administrations will communicate to each other their tariffs.

N.B.—Chinese Post Offices steam served by railways or steamers will transmit and deliver without charge the international articles of correspondence duly stamped at Union rates handed to them *à découvert* by the German bureaux, as also those originating at, or destined for, Tsingtau, stamped at the rate ruling between the German bureaux in China; but, letters and postcards excepted, these articles will be liable, in the Chinese bureaux non-steam served, to the domestic charge laid down in the Chinese tariff.

3.—Mail matter destined for places inland where no Post Office, Chinese or German, is yet opened will be sent to destination through private agencies at the risk and expense of the addressees. POSTAL CIRCULAR No. 132.

4.—Should it happen that, on Chinese territory and in the same town, both a Chinese and German Post Office exist, each Office will undertake the delivery of any mail matter arriving to its address. But the German Post Offices may continue, by payment of an adequate tax, to avail themselves of the services of the Chinese Offices to ensure the distribution of their mail matter.

ARTICLE V.

TRANSIT CHARGES.

1.—Closed mails and correspondence *à découvert* despatched on account of Chinese or German Post Offices by means of the transport services of one or the other of the contracting Administrations will be submitted, to the benefit of the Administration whose services carry these mails, to the following transit charges:—

(*a.*) Within the Chinese Empire and along the littoral of China, Foreign bordering countries included,* when the distance does not exceed 1,500 nautical miles, and when both the Chinese and the Foreign ports are united by the same line of steamers:

1°. For territorial transit by rail, and also for maritime transit not exceeding 300 nautical miles, 2 francs per kilogramme of letters or postcards, and 25 centimes per kilogramme of other articles;

2°. For territorial transit by courier, and also for maritime transit exceeding 300 nautical miles, 5 francs per kilogramme of letters and postcards, and 50 centimes per kilogramme of other articles.

(*b.*) Outside of the Chinese Empire,† for any transport of mails other than the categories provided for in the preceding paragraph, (*a.*):

1°. For territorial or maritime transit, the amounts, per kilogramme of letters or other articles, fixed by Article 4 of the "Convention Principale" of Washington, calculated, according to distances and the countries traversed, in the Table E published by the contracting Administrations (or the lists approved of by these Administrations stating the weights and categories of articles transmitted).

2°. As to correspondence franked by means of Chinese postage stamps, destined for the German Empire and dependencies thereof or for Foreign countries, whether despatched closed or *à découvert*, in transit through the German Post Offices, they will be forwarded to

* Articles of correspondence of all categories, domestic or international.

† Articles of correspondence destined for Union countries.

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their respective destinations in the same manner and liable to the same transit charges as the correspondence remitted to the German Offices by the other Administrations of the Postal Union. The transit charges will be guaranteed by the German Administration and periodically refunded by the Chinese Administration.

2.—It is understood:—

1°. That any territorial transit by rail is free of charge if the Administration concerned is already entitled to claim, on the mail matter thus conveyed by rail, refund for maritime transit;

2°. That any transit on the Yangtze-kiang is considered as maritime transit;

3°. That mail matter originating from Foreign countries remitted *à découvert* at the place of landing by a German Office to a Chinese Office, or *vice versâ*, to be transmitted to inland places, will be exempted from transit charges;

4°. That the reductions or exemptions stipulated in Article 4 of the Convention of Washington will also apply to the present Arrangement.

3.—Charges for transport of mails by means of services or ships independent of the German or Chinese Administrations will be settled under the terms agreed between the interested parties.

ARTICLE VI.

Men-of-war Mails.

The closed mails handed in to the Chinese Offices by a German bureau for transmission to the commander of a man-of-war of whatever nationality, or by the commander of a man-of-war of whatever nationality for transmission to a German bureau, will be subjected, in account with the German bureau, sender or receiver, to the transit charges enumerated in the preceding Article.

ARTICLE VII.

Transit Statistics.

The balancing of the transit charges account will necessitate an annual settlement between the two Administrations, to be calculated on the basis of statistics taken annually under the rules laid down in the Convention of the Postal Union in force at the time. These statistics will be taken each year during the first 28 days of the months of May and November alternately.

ARTICLE VIII.

Parcel Post.

1.—The exchange of parcels, as also the exchange of money orders, letters with declared value of contents, etc., will be made the subject of special arrangements as soon as the principal Arrangement is put in force.

2.—Meanwhile, in order to offer immediate facilities for the exchange of parcels, the Chinese Administration is willing:— POSTAL CIRCULAR No. 132.

(*a.*) To transmit and distribute, on condition that the addressee will pay the domestic tariff, the parcels—ordinary, insured, or taxed with trade charges—emanating from Union countries handed in by a German Office;

(*b.*) To transmit to German Offices, after payment of the domestic tariff by the sender, the parcels—ordinary, insured, or taxed with trade charges—destined for Union countries which may be handed in by the public.

3.—As to domestic parcels emanating from or destined for Tsingtau, and also the parcels transmitted in closed bags from one Office to the other by the Chinese or German Offices, they will be provisionally transmitted and distributed subject to the conditions of ulterior arrangements between the two Administrations.

ARTICLE IX.

Responsibility and Liability.

1.—In case of the loss of a registered article of correspondence or of a closed mail, the Administration which has undertaken its transport and cannot account for its delivery or transmission to the other Administration will be held responsible for the lost registered article or the registered articles contained in the closed mail, within the limits of Article 8 of the "Convention Principale" of Washington and of Article XXIII of the "Règlement d'Ordre et de Détail" thereto appended.

2.—The loss or spoliation of a parcel will give right to an indemnity, which may amount to the equivalent of the loss or damage suffered, but can in no case exceed 25 francs for non-insured parcels or 1,000 francs for insured parcels.

3.—The protection granted above to registered articles and parcels will not extend beyond the working limits of the postal services of the contracting Administrations, and will not cover losses or damages arising from cases of *force majeure*, such as tempest, shipwreck, war, brigandage, etc.

ARTICLE X.

Notice of Changes in Organisation.

The Postal Administrations of China and Germany will communicate to each other the changes which may take place in the organisation and arrivals and departures of their respective services for the transport of mails, whenever notice of such changes may prove useful to the two Administrations or to the Foreign Administrations that have recourse to their intermediation.

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ARTICLE XI.

Extent of Present Arrangement.

The Postal Administration of China, though it has not yet subscribed to the Treaties of the Universal Postal Union, hereby agrees to abide, as far as the present Arrangement is concerned, by the stipulations of the "Convention Principale" and of the "Règlement d'Ordre et de Détail," concluded at Washington on the 15th June 1897.

The present Arrangement will thus form, with the documents of the Postal Union mentioned above, the whole of the dispositions to be, as far as possible, observed in the postal relations between the Chinese Post Offices and the German Post Offices.

ARTICLE XII.

Duration of Arrangement.

The present Arrangement will be gradually put in force as soon as possible, and will remain in force for an indeterminate period. The two Administrations may, however, at any time introduce in it any such modifications as they, on consultation, may find necessary, or bring the Arrangement to an end by giving notice at least six months in advance.

Done and signed in duplicate: Shanghai, 3rd November 1905; Peking, 25th October 1905:

In the name of the
Postal Administration of Germany,

BISCHOFF,
Imperial German Postal Councillor.

In the name of the
Postal Administration of China,

T. PIRY,
Secrétaire Général, Imperial Posts.

And approved:

A. V. MUMM,
Envoy Extraordinary and Minister Plenipotentiary.

(L.S.)

ROBERT HART,
Inspector General of Customs and Posts.

(L.S.)

ENCLOSURE No. 2.

A.—RATES BETWEEN IMPERIAL GERMAN POST OFFICES IN CHINA.

(GERMAN TARIFF I, FROM OCTOBER 1ST, 1905.)

RATE OF POSTAGE FOR	CHINESE INLAND RATES.		
	UNIT OF WEIGHT.	POSTAGE.	
		Prepaid.	Unpaid.
		Cents.	*Cents.*
Letters	Each 15 grammes (No limit of weight.*)	4	Prepayment compulsory.
Postcards:			
Single		2	"
Reply		4	"
Printed Matter	Up to 100 grammes	2	"
	From 100 to 250 grammes	5	"
	" 250 " 500 "	10	"
	" 500 " 1,000 "	15	"
	" 1,000 grammes to 2 kilos	30	"
Samples	Up to 250 grammes	5	
	From 250 to 350 grammes	10	
Commercial Papers	Up to 250 grammes (For higher weights, *see* "Printed Matter.")	5	

Registration fee, 10 cents; Return Receipt, 10 cents.

* Should difficulties arise by reason of heavy mail matter having to be transmitted inland through the Chinese Post Office, the maximum of weight may be limited to 2 kilogrammes.

B.—OBSERVATIONS.

In comparing the above rates with Table V of I.P.O. Notification No. 41, the following points are to be especially noticed:—

(*a.*) Letter rate is the same in both tariffs.

(*b.*) Postcards through German Post Offices are charged 2 and 4 cents, instead of 1 and 2 cents as through I.P.O.

(*c.*) There is no special newspaper category in the German tariff.

(*d.*) The German tariff distinguishes between printed matter and commercial papers; and the minimum charge for the latter is 5 cents instead of 10 cents.

(*e.*) In the categories of printed matter, samples, and commercial papers the weight allowances are slightly higher than in the I.P.O. tariff.

PEKING, 5th December 1885.

POSTAL SECRETARY'S OFFICE.

POSTAL CIRCULAR No. 132.

Postal Arrangement with Germany notified.

Received .....

Arrangement, Postal, with Germany notified . . 132 8
Germany, Postal Arrangement with, notified . . 132 8

Circular No. 1,302.

SECOND SERIES.

INSPECTORATE GENERAL OF CUSTOMS,
PEKING, *1st December* 1905.

SIR,

Kiaochow Custom House: Tsingtau Amendment signed 1st December 1905; instructions to be given effect to.

1.—IN continuation of Circulars Nos. 894 of 5th May 1899 and 1,150 of 26th April 1904, concerning Kiaochow Custom House, I have now to inform you that to-day the German Minister and myself signed another Agreement, to be designated the Tsingtau Amendment. Its main feature is that, whereas merchandise imported has hitherto paid Duty only when about to quit the German leased territory going inland, it will in future, with some named exceptions, pay as soon after arrival as it leaves a certain limited free port area which the Colonial and Customs regulations to give effect to the Amendment will define. This change—which is on each side of the nature of a special concession for a special consideration—will facilitate work for both merchant and Customs as well as increase Revenue, in addition to placing the Kiaochow Custom House functioning in Tsingtau on an improved footing, and, as it is also stipulated that twenty *per cent.* of the Import Duties collected will be surrendered to the Tsingtau Government for Colonial purposes, Revenue action is more likely to meet with support on all sides than with difficulties. A copy of the Tsingtau Amendment is enclosed, in English and Chinese, for your information and guidance.

2.—Special and detailed instructions will be addressed to the Kiaochow Commissioner for the work to be done at Tsingtau. Meanwhile I have to call your attention to the first Article and its stipulation regarding the 20 per cent. contribution from Import Duties to the expenses of the territory, and to the sixth, which stipulates for all trading and shipping facilities granted in Chinese coast ports: in connexion with the first you will note that you are to issue Drawbacks and not Exemption Certificates for all Foreign merchandise shipped in vessels clearing for Tsingtau, and, as regards the second, that where Native produce and the products of Cotton mills, etc., are concerned you are to issue the usual Duty Proof Certificates and Special Passes, and are also to recognise similar documents emanating from Kiaochow Customs. Further, confiscation cases, etc., are to be dealt with in accordance with the spirit of the Joint Investigation Rules of 1868, and only such stipulations of the original Agreement of 1899 and its Annex *A* of 1904 as this Amendment affects are changed.

I am,

SIR,

Your obedient Servant,

ROBERT HART,
Inspector General.

To

THE COMMISSIONERS OF CUSTOMS.

H.B. Morse.

Statistical Secretary.

CIRCULAR 1,302.

ENCLOSURE No. 1.

AMENDMENT TO THE AGREEMENT *RE* THE ESTABLISHMENT OF A CUSTOM HOUSE IN TSINGTAU.

PREAMBLE.

The Chinese and German Governments being anxious to amend the Agreement of the 17th April 1899, with a view to putting the relations between the Colony of Kiaochow and the Chinese Customs on a still better basis, have agreed to the amendments represented in the following Articles.

The basis of this arrangement is that the Chinese Government on its part (1) agrees to pay to the German Government a certain proportion of the Import Duties on goods, Opium included, landed in the German territory, and (2) consents to the modifications of Treaty-port Customs practice and principles which said Articles establish; and that the German Government on its part, in consideration of the Chinese payment and consent, undertakes to facilitate the working of the Imperial Chinese Customs establishment established and operating in the German territory and to aid in safeguarding the Revenue legitimately payable.

With the object of carrying out the necessary amendments, the under-mentioned Articles, duly agreed to by both parties, have been made.

ART. I.

After the delimitation of the Tsingtau free area by the German officials, the Chinese Maritime Customs established in the German territory will levy all the Duties payable on goods passing outside the free area, and the Chinese Government will hand over annually to the German officials at Tsingtau 20 per cent. of the net Import Duties collected, as shown by the statistics of the Kiaochow Customs, as its contribution to the expenses of the territory. This per-centage will be fixed for the present provisionally for five years, and payment will be made in quarterly instalments after the end of each quarter. If this arrangement, fixing the contribution at 20 per cent., should at any time seem to either party to require amendment, notice is to be given to the other before the beginning of the fifth year, in order to afford time for reconsideration.

ART. II.

The limitation of the free area, which is to be established at the Great Harbour, and its probable extension later, on account of the progressing harbour works, will be made as convenient as possible for carrying on Customs work.

ART. III.

On articles which are Duty free by existing Customs Tariff no Duty will be levied.

The following are Duty free:— CIRCULAR 1,302.

For the German Troops.

(*a.*) Articles for arming and outfitting the troops, including Uniforms, if directly ordered by the military or naval authorities and if accompanied by Certificate of the Colonial Government.

(*b.*) Stores and Provisions ordered by the military or naval authorities in anticipation of future requirements, if accompanied by Certificate of the Colonial Government.

For the General Public.

(*c.*) Machinery, Plant, as well as Parts of Machinery, Implements and Tools required for manufacturing, industrial, and agricultural purposes; also all Building Materials, Fittings, and other articles for public and official works. A written Bond for the value of the goods must in each case be handed to the Customs certifying that the articles are solely for use in the German territory. If, later, they are to be conveyed into China, they must be declared to the Customs and pay Import Duty. Failure to do so will involve enforcement of the Bond for recovery of double the amount of Duty on the value specified in it.

(*d.*) Articles (Vehicles and such like) passing to and fro between the free area and outside, solely for ordinary repairs; but they are to be reported to the Customs officers, that their passing may be noted.

(*e.*) All postal parcels imported and destined for private use in the German territory, if the Duty which has to be taxed in accordance with the attached declaration does not exceed $1 (value $20). The Customs are at liberty to examine such parcels and verify declarations as occasion demands.

(*f.*) The personal luggage of passengers, declared as not containing dutiable or contraband goods; it will only be examined in cases where the Customs consider it specially necessary.

ART. IV.

The regulations laid down in Arts. 5, 7, and 9 of the Agreement of 17th April 1899 as to levying of Import Duty are hereby modified, in so far that the *free Duty area* is limited to the *free area*. Payment of Duty therefore will be made according to circumstances, either when leaving the free area or, if to be landed elsewhere, before landing. By the payment of the Duty the goods pass into free circulation, and out of Customs control. Provision having been thus made for effective collection of Duty in Tsingtau, Customs Stations on or near the frontier will, under the provided conditions, be unnecessary, and the question of establishing such can for the time being be postponed; such Stations as are required for the control of junk traffic are excepted.

CIRCULAR 1,302.

ART. V.

For manufactories which are erected outside the free area, arrangements are to be made according to which manufactures will not be treated less favourably than if they came from the free area. Labour in the German territory is free of tax; consequently manufactures made in the German territory from raw materials which have been imported from the *hinterland* or by sea into the German territory are, at reshipment, only subject to such Duty payment as China has by Treaty claim for on the raw material. A list of articles entitled to be treated as raw material will, if needed, be drawn up by the Customs and Colonial authorities and revised annually at the end of each year.

ART. VI.

All trading and shipping facilities and privileges which are granted in Chinese coast ports are to be extended to the German territory, with such modifications as local conditions may require.

ART. VII.

In cases of fraud and offences against the Customs regulations, the procedure will be conducted in accordance with the spirit of the "Joint Investigation Rules of 31st May 1868"—a Colonial officer specially named by the Government to take the place of the Consul.

ART. VIII.

It is understood that this Agreement is an amendment of the original Agreement of 17th April 1899, made in accordance with Art. 20 of the latter, which, unless where modified hereby, remains in full force.

Signed and sealed at Peking this first day of December nineteen hundred and five by Baron MUMM VON SCHWARZENSTEIN, His Imperial German Majesty's Minister, on behalf of the German Government, and by Sir ROBERT HART, Bart., G.C.M.G., Inspector General of Imperial Chinese Customs, on behalf of the Chinese Government.

(Signed) A. V. MUMM. (Signed) ROBERT HART.

Seal. Seal.

ENCLOSURE No. 2.

會訂青島設關徵稅修改辦法

大清國
大德國願將光緒二十五年三月初八日會訂青島設關徵稅辦法修改以期德國青島租界與中國海關彼此交涉更較妥善起見擬訂後列修改條款其大意即係中國所允者有二一係於進口洋貨及洋藥正稅收數內提若干成歸青島租地應用二係後列之款內所有與各通商口岸貿易辦法及新關章程改易之處專允在青島照辦德國所允者特因既得提成應用並專允各益即應輔助中國在德國租界內所設立之海關辦理一切以重應徵之稅課所有兩面公訂條款開列於左

一由青島德員在租界內劃定無稅之地一區俟劃定後除此無稅區地外應由在租界內中國所設之海關徵收各色貨物稅項並由中國按膠海關進口正稅實數每年提撥二成交與青島德官作爲中國政府津貼青島租地之用此二成津貼之數現訂試辦五年應於每結底後劃撥俾於此二成津貼辦法彼此或有商酌之處應於第五年正月以前聲明改訂以便從容酌辦

一在青島劃定無稅之區地應設於停泊船隻之正灣一旁由德政府或

CIRCULAR 1,302.

照此時擬訂局面或日後若有因整頓碼頭等項工程須與此劃定無稅之區地一同開拓之處應與海關一切公務無礙

一凡在海關稅則免稅之物則在青島租界一同照免其續行免稅之物列後

一爲軍營需用之物卽如各色軍械號衣等項離由水陸武員運到總應持有該政府所發之憑據方能照免又如軍用物料及各色食品亦應一律照辦

二凡需用各物向有數種免稅者卽如機器並機器廠之全副配件以及機器各分件製造廠所用之傢具機料暨各種農器與建蓋衙署以及各等工程之木料器具運到時亟應來關呈交保結填註該貨價值並須擔保確係租界內應用之物方能照免嗣後若有運入中國地界之處應報關完一進口正稅否則按保結上所註之情節照應完稅數兩倍罰充入關

三凡某樣機件卽如車輛並運物之器機等項只因有修理之處出入無稅之區地卽准免稅惟遇出入無稅區地之時均應報明以便關員稽查

四凡有運入租界之郵政包裹若係界內住戶自用之物倘按照該包隨單上所註之情形應完稅不過一元者（即係估值銀二十元之數）即應免稅但若欲隨時查考之處允由海關啓驗

五凡來往搭客攜帶之行李若物主聲報確無應行納稅之件亦無違禁之物即准免稅雖海關不行逐次查驗但遇有另外之情節仍可照例查察

一光緒二十五年三月初八日所定之會訂青島徵稅辦法第五七九三條專指徵收進口稅項現經酌改者即係將從前青島口岸撤行免稅之法改爲在租界限內另行擇地一區作爲無稅之地其餘均行起徵惟嗣後完納進口正稅隨時之辦法有二一係若將貨物運入無稅之區地應俟出此區地時方行完稅一係貨物非運入此無稅之區地因欲運往區地限外起岸則須在未經起岸以前先行完稅凡貨一經完清稅項後聽由貨主自便關員即不過問是時既有以上所定由中國在德國租界內徵稅之妥善辦法或於租界邊限或於邊限左近除稽查往來華式船隻各卡外自毋庸設立關卡至嗣後應否設立之處暫行緩議

CIRCULAR 1,302.

一凡在德國租界無稅區地外設立製造廠所製成之各貨應由中德兩面設法於此等貨物不必較無稅區地所出各貨因徵稅受有虧損其租界內之製造廠所用散碎物料因工作成物後其價自較原料增加茲因其增加若干之數照德章不計在應完國課之內是該廠製成各貨原來所用之料件或由內地運來或由海路運到出口時擬定應完稅數不得過原運物料約定應完之稅數爲妥由膠海關會同青島德員查看情形訂明應否立一冊簿填註製成某貨須照某散碎物料應完稅數納稅每屆年終若有應修改之處即可酌定

一凡在通商海口貿易及行駛船隻之便益在德國租界內除照該地情勢應行改辦外餘均視同一律

一凡有漏稅走私及違悖海關章程等弊各案除因無領事應由青島大憲特派委員與關員會議外其餘均照同治七年會訊章程之意酌情訂辦

一以上各節即係照原訂章程第二十條內載聲明辦法修改者其中未經修改之處仍照光緒二十五年三月初八日之原章辦理

光緒叁拾壹年 拾壹月 初伍 日

德國駐京大臣穆默押

總稅務司赫德押

隨京字第貳百叁拾叁號

I. G.

Circular No. 1,302.

SECOND SERIES

2 *Enclosures.*

Kiaochow Custom House: Tsingtau Amendment signed 1st December 1905; instructions to be given effect to.

Received.....

German Agreement regarding Kiaochow Custom House (1905)	1,302	316	IX
Kiaochow Custom House: Tsingtau Amendment signed 1st December 1905; instructions to be given effect to	1,302	316	IX

Circular No. 1,303.

SECOND SERIES.

POSTAL.
No. 87.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, 1st *December* 1905.

SIR,

Postal Service, Imperial: Postal Agreement with Germany notified in Postal Circular No. 132, correspondence with German Legation in connexion with.

THE Agreement between the Chinese and German Postal Administrations was signed on 25th October here and 3rd November at Shanghai and is now being circulated by the Postal Secretary in his Circular No. 132. Its clauses are to much the same effect as those contained in similar Agreements with France, Japan, and England, but it has some new features resulting from Germany's position as lessee of Chinese territory in Shantung, to which you are to pay such attention as may be called for by the Postal Secretary, and among which is the recognition of German Post Offices at Peking, Chinan-fu, and (temporarily) Weihsien, and of a Chinese Post Office at Tsingtau. As supplementary to the Agreement, despatches passed between the German Minister and myself setting forth our understanding regarding certain points that had come up for discussion and fixing a date—the 31st December—for closing the German Post Offices at Kiaochow, Ch'ingchou, and Chouts'un, and of these I now append copies for record.

I am,

SIR,

Your obedient Servant,

ROBERT HART,

Inspector General.

To

THE COMMISSIONERS OF CUSTOMS,

DISTRICT POSTMASTERS *EX OFFICIO*,

POSTAL COMMISSIONERS,

ETC., ETC., ETC.

H. B. Morse.

Statistical Secretary.

CIRCULAR 1,303.
POSTAL No. 87.

ENCLOSURE No. 1.

His Excellency the German Minister to the Inspector General of Customs and Posts.

PÉKIN, *le* 3 *novembre* 1905.

MONSIEUR L'INSPECTEUR GÉNÉRAL,

J'AI l'honneur de faire savoir à Votre Excellence que je viens de donner mon approbation à la Convention conclue entre les Administrations postales de nos pays respectifs à la date du 25 octobre 1905. Je me livre à l'espoir que ce document pourra contribuer tant au développement du commerce entre la Chine et l'Allemagne qu'au maintien des bons rapports entre les deux Administrations postales.

Le texte de cet Arrangement semble si clair qu'il reste seulement à constater notre accord sur les trois points suivants:—

1. Il est entendu que la suppression des offices postaux allemands à l'intérieur du Shantung aura lieu après la conclusion du présent accord à l'exception des bureaux d'échange énumérés au paragraphe 2° de l'article I, le bureau de poste de Kaomi ne devant être retiré qu'après l'évacuation de cet endroit par le détachement qui l'occupe en ce moment.
2. Mon Gouvernement verrait avec plaisir un engagement de votre département, portant qu'il est tout disposé à déléguer pour le service des bureaux chinois dans la sphère de nos intérêts au Shantung, autant qu'il lui est possible, des fonctionnaires ayant connaissance de la langue allemande.
3. Ainsi que j'ai eu le plaisir de vous le dire de vive voix, je ne tarderai pas à recommander à mon Gouvernement d'exercer son influence sur l'Administration du chemin de fer du Shantung afin que des conditions équitables proportionnées aux conditions usuelles sur d'autres lignes en Chine soient accordées aux postes chinoises pour la concession du droit de faire transporter par ses agents et indépendamment du service postal allemand ses dépêches sur la voie ferrée.

Je vous serais bien reconnaissant si vous pouviez constater votre adhésion à mes vues sur les trois points sus-énoncés.

D'autre part, je me conforme volontiers à votre désir de soumettre à l'examen de mon Gouvernement la question de voir s'il ne serait pas possible d'accorder au service postal chinois de Tsingtau des rapports directs avec les paquebots poste subventionnés par la Chine dans le but d'assurer la rapidité des opérations et simplifier les comptes de transit, question dont la solution est écartée pour le présent pour faciliter l'accord.

Veuillez agréer, etc.,

A. V. MUMM.

ENCLOSURE No. 2.

The Inspector General of Customs and Posts to His Excellency the German Minister.

No. 10.
General.

PEKING, *4th November* 1905.

SIR,

I HAVE the honour to acknowledge your letter notifying to me your approval of the Postal Agreement concluded between our respective Administrations on the 25th October 1905, and I join Your Excellency in the hope that this new instrument will yield mutual advantages to Germany and China.

Your Excellency calls attention to three particular points, namely:—

1. It is understood that the suppression of the German Post Offices in the interior of Shantung will take place after the conclusion of the present Agreement, with the exception of the Offices of exchange designated in paragraph 2° of Article I, the Office of Kaomi not being withdrawn till after the military evacuation of that place;
2. Your Excellency's Government would be pleased to receive from the Chinese Administration the assurance that German-speaking employés will be, as far as possible, used in the postal establishments situated in the sphere of German interests in Shantung; and
3. Your Excellency will recommend to your Government to exercise influence on the Shantung Railway Administration to bring it to grant to the Chinese Post Office equitable conditions, proportionate to those usual on other railway lines in China, for the concession of the right to use this Administration's lines for the transport of its despatches under the supervision of its own agents independently of the German Postal Service.

In acknowledging Your Excellency's remarks on these three points, I place willingly on record my agreement with them; it may be well to add, however, that German-speaking employés can only be used if procurable, and that the matters referred to under paragraphs 1° and 3° are questions which formed, from the first, an essential part of the negotiations now concluded.

I shall be glad if the question mentioned in the last paragraph of Your Excellency's letter can be speedily settled: it will be in the interest of the public and a simple measure of reciprocity if, as desired by China, the Chinese Post Office at Tsingtau is allowed to land and ship direct from or to its own steamers the mails passing in transit through that port.

I have, etc.,

ROBERT HART.

CIRCULAR 1,303.
POSTAL No. 87.

ENCLOSURE No. 3.

His Excellency the German Minister to the Inspector General of Customs and Posts.

J. No. 6,272. PEKING, *November 22nd*, 1905.

SIR,

WITH reference to my letter dated November 3rd, 1905, I have the honour to hand to Your Excellency herewith one copy of the Postal Agreement concluded between our respective Administrations and which was signed in duplicate by the German Postmaster in Shanghai on November 3rd.

The suppression of the German Post Offices in Tschingchou-fu, Tschoutsun, and Kiaochow will take place on the 31st of December 1905.

I have, etc.,

A. V. MUMM.

ENCLOSURE No. 4.

譯德國穆大臣照會總稅務司

爲照會事照得本月二十七日所訂之中德兩國郵政合同本大臣業經照准深望兩國商務由此益進而互相郵寄之事易於和衷辦理查該合同語義甚屬清晰惟以下三款尙須言明　一高密所設之德國郵局應俟該處德軍撤屯方能裁撤　二德國政府願由中國郵局言明允於山東一帶涉及德人之處所有華局酌用德文人員　三本大臣業經面稱不日商請德國政府開導山東鐵路人員令其允准中國郵政得有任藉該路運送郵袋之權照中國腹地鐵路公平辦理其華局自派之護送郵差概不歸德局管轄　以上三款卽請閱准示復再所囑青島中國郵局任便自用郵船起下所有經過青島之郵袋以便省費而利迅寄一節本大臣甚願請由德國政府核定可否所有訂立中德郵政合同各緣由相應照會爲此照會

貴總稅務司請煩

查照可也須至照會者

再此項照會互交之後又將內開之第一款另行會訂如下

一彼此將合同會訂之後所有山東內地設立之德國郵局除合同內第一條第二款所載之另認交遞處所外餘均准行撤退惟有高密一處應俟該處德軍撤屯方能照裁光緒叁拾壹年拾月初柒日

CIRCULAR 1,303.
POSTAL No. 87.

譯總稅務司照復德國穆大臣

爲照復事接准

貴大臣照稱以中德郵政合同業經照准並望兩國互有進益等因總稅務司意見亦甚相同至文內言明之三款業由總稅務司閱悉合再述明如下 一 高密所設之德國郵局應俟該處德軍撤屯方能裁撤 二貴國政府願由中國郵局言明允於山東一帶涉及德人之處所有華局酌用德文人員 三貴大臣不日商請貴國政府開導山東鐵路人員令其允准中國郵政得有任藉該路運送郵袋之權照中國腹地鐵路公平辦理其華局自派之護送郵差概不歸德局管轄 以上三款均可照准惟酌用德文人員一節須視有無人才方能照辦又第一第三兩款應行註明該款係屬初議緊要之事至於貴大臣文末所稱青島中國郵局任便自用郵船起下所有經過青島之郵袋一事總稅務司深願此事早爲訂定如能照准實於公益大有所裨且亦祇係兩局持平相待之事不難照准辦理相應照復

貴大臣請煩

查照可也須至照會者

再此項照會互交之後又將內開之第一款另行會訂如下

一彼此將合同會訂之後所有山東內地設立之德國郵局除合同內第一條第二款所載之另認交遞處所外餘均准行撤退惟有高密一處應俟該處德軍撤屯方能照裁 光緒叁拾壹年拾月初捌日

I. G.

Circular No. 1,303.

SECOND SERIES.

4 *Enclosures.*

Postal Service, Imperial: Postal Agreement with Germany notified in Postal Circular No. 132, correspondence with German Legation in connexion with.

Received .....

Postal Service, Imperial: Postal Agreement with Germany notified in Postal Circular No. 132, correspondence with German Legation in connexion with . . . . . 1,303 324 IX

Circular No. 1,306.

SECOND SERIES.

INSPECTORATE GENERAL OF CUSTOMS,

PEKING, *23rd December* 1905.

SIR,

IN continuation of Circulars Nos. 894 and 1,302, concerning Kiaochow Customs Regulations and the Tsingtau Amendment, I now enclose, for your information and guidance, copy of the Regulations to be observed there in the transaction of Customs business, issued by the Colonial Government, in German, Chinese, and English, and accepted by the Inspectorate. To this is added, in German and Chinese, copy of five special rules for the transition period.

Kiaochow Custom House: Regulations issued by Colonial Government in connexion with Tsingtau Amendment.

I am,

SIR,

Your obedient Servant,

ROBERT HART,

Inspector General.

To

THE COMMISSIONERS OF CUSTOMS.

H. E. Evans.

Statistical Secretary.

CIRCULAR 1,306.

ENCLOSURE No. 1.

VERORDNUNG BETREFFEND DAS VERZOLLUNGSVERFAHREN IM SCHUTZGEBIETE VON KIAUTSCHOU.

I.—ALLGEMEINE BESTIMMUNGEN.

§ 1.

Alle in das deutsche Schutzgebiet über See eingeführten oder von dort ausgeführten Waren unterliegen, soweit keine besonderen Ausnahmen in folgendem aufgestellt werden, bei der Ein- und Ausfuhr den tarifmässigen Zöllen. Waren, die unter Transitpass in das Innere verschickt oder dorther angebracht werden sollen, zahlen ausser dem vertragsmässigen Einfuhr- oder Ausfuhrzoll die vertragsmässige Transitgebühr.

§ 2.

Das bei der Verzollung beobachtete Verfahren regelt sich nach den Grundsätzen, welche bei den chinesischen Seezollämtern üblich sind. Die Zollkontrolle wird, wo immer eine solche nötig ist, von den Zollbeamten ausgeübt.

§ 3.

Für die den Zollämtern einzureichenden Ein- und Ausfuhrmanifeste von Schiffen gelten die vertragsmässigen Bestimmungen. Die Manifeste sind vom Schiffer verantwortlich zu zeichnen; an seine Stelle können die Schiffsagenten treten.

§ 4.

Mit Ausnahme von Dschunken, welche an ihren gewöhnlichen Ankerplätzen anlegen, ist es den Schiffen verboten, mit den Arbeiten an der Ladung zu beginnen, ehe das Einfuhrmanifest dem Zollamt überreicht ist, noch ist es zu gestatten, dass die Ladung das Schiff ausserhalb des Freihafenbezirks verlässt, ehe die Zollerlaubnis eingetroffen ist. Anmeldungen für Waren, welche ausserhalb des Freibezirks geladen oder gelöscht werden sollen, müssen eine genaue Bezeichnung der Stelle, wo die Ladung oder Löschung erfolgen soll, enthalten.

II.—FREIBEZIRK.

§ 5.

Der Freibezirk umfasst zunächst den grossen Hafen einschliesslich der Molen, des Werftgebietes und des Umschliessungsdammes und das ihm vorlagernde Gelände bis zum Haupteisenbahndamm; er wird begrenzt im Südwesten durch eine Linie zwischen Innenbucht

und Eisenbahndamm vor der Verbindung von Rechternstrasse und Grosse Hafenweg, im Osten durch eine Linie zwischen Eisenbahn- und Umschliessungsdamm in der Nähe der Blockstation. Eine spätere Vergrösserung des Freibezirks bleibt jederzeit den Bedürfnissen entsprechend vorbehalten. Als spätere Grenze des Freibezirks ist der Eisenbahndamm auf der einen Seite bis zur Blockstation mit Einschluss des noch aufzuschüttenden Geländes in einer Ausdehnung von etwa 200 m. östlich des Umschliessungsdammes; auf der anderen Seite bis zur Bahnunterführung der Schansistrasse und entlang dem Wege bis zur Oster'schen Schleppe mit Einschluss des grossen und kleinen Hafens in Aussicht genommen.

§ 6.

Der Freibezirk soll zu Wohnungen, mit Ausnahme derjenigen, welche für Lager- und Werftaufseher, Hafen-, Zoll- und Polizeibeamte erforderlich sind, sowie für den Detailhandel, mit Ausnahme vorläufig einer bestimmten Anzahl Garküchen für die chinesischen Hafenarbeiter, nicht benutzt werden. Die Errichtung industrieller Betriebe ist grundsätzlich zugelassen.

§ 7.

Die zollamtliche Kontrolle innerhalb des Freibezirks, sowie an den Ausgängen erfolgt durch das Seezollamt.

§ 8.

Das Zollkonto über einkommende Schiffe ist innerhalb zehn Tagen nach der Ausklarierung abzuschliessen und der Zoll auf alle Einfuhrwaren, welche den Freibezirk verlassen, zu zahlen.

§ 9.

Ist die Lagerung, Sortierung, Verarbeitung von Waren, welche von der Seeseite oder aus dem Binnenlande eingetroffen sind, innerhalb des Freibezirks beabsichtigt, so ist dem Zollamte unter Vorlegung folgender Angaben: Art des Transports der eingeführten Waren, sowie bei Schiffen deren Name, Name und Wohnung der Warenempfänger, Datum der Ankunft, Zahl der Kolli, deren Verpackungsart, Zeichen und Nummern, sowie die allgemeine Bezeichnung der Waren, Meldung zu erstatten und die Kontrolle zu übertragen.

§ 10.

Aus dem Freibezirk zur Ausfuhr über See bestimmte Waren haben die Zollstation zu passieren; eine Annahme von Waren an Bord ohne Zollbegleitschein ist nicht gestattet.

§ 11.

Der Verkehr von Fahrzeugen irgendwelcher Art (Wagen, Karren, Eisenbahn, Dschunken, Sampans, Schlepper, Dampfer u. s. w.) auf der Land- und Seegrenze des Freibezirks unterliegt der Kontrolle des Zollamts.

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III.—ZOLLFREIE GEGENSTÄNDE.

§ 12.

Auf die vertragsmässig Zollfreiheit geniessenden Artikel wird kein Zoll erhoben.

Zollfrei sind für die deutschen Truppen.

(*a.*) Gegenstände, welche zur Bewaffnung, Ausrüstung und Bekleidung bestimmt sind, soweit sie von den Militär- und Marinebehörden direkt beschafft werden, auf Grund einer Bescheinigung des Gouvernements.

(*b.*) Materialien und Proviantvorräte, welche von den Militär- und Marinebehörden im Interesse der Kriegsbereitschaft beschafft werden, auf Grund einer Bescheinigung des Gouvernements.

Allgemein sind zollfrei.

(*c.*) Maschinen und maschinelle Anlagen, sowie die zum Fabrikations-, gewerblichen und landwirtschaftlichen Betrieb erforderlichen Werkzeuge und Geräte oder Teile derselben; ferner Baumaterialien und Einrichtungen für öffentliche und fiskalische Anlagen. Eine schriftliche Erklärung, enthaltend den Wert der Waren, ist in jedem einzelnen Falle dem Zollamte darüber einzureichen, dass die Artikel ausschliesslich zum Gebrauche im Schutzgebiet dienen. Werden sie später nach China verschickt, so ist dem Zollamte Meldung zu erstatten und Zoll zu zahlen. Im Nichtachtungsfalle verfällt der zweifache Zoll entsprechend dem in der Erklärung angegebenen Werte.

(*d.*) Der gewöhnliche Reparaturverkehr zwischen Freibezirk und Zollland; dem Zollbeamten ist in jedem Falle Meldung zu machen.

(*e.*) Einkommende, für Privatgebrauch im Schutzgebiete bestimmte Postpakete, soweit der laut beiliegender Zolldeklaration zu erhebende Zoll $1 (Wert $20) nicht übersteigt; dem Zollamte steht es frei, gelegentlich Revisionen der Deklarationen und des Inhalts der Pakete vorzunehmen.

§ 13.

Das Privatgepäck von Reisenden bleibt auf die Erklärung hin, dass es keine zollpflichtigen oder Konterbandewaren enthält, zollfrei und wird im allgemeinen nicht nachgesehen; indes steht das Recht der Revision dem Zollamte zu in Fällen, wo es besonders notwendig erscheint. Befinden sich unter dem Privatgepäck Artikel, welche das Mass dessen, was vernünftigerweise unter Privatgepäck verstanden werden kann, überschreiten, oder zum Verkauf bestimmt sind, so unterliegen sie der Verzollung.

IV.—IM SCHUTZGEBIET HERGESTELLTE FABRIKATE.

§ 14.

Die im Schutzgebiete hergestellten Fabrikate unterliegen nur insoweit der Verzollung, als China zu einem Zolle auf die darin verarbeiteten Rohwaren berechtigt ist.

(*a.*) Chinesische Rohwaren, welche aus Nichtvertragshäfen oder dem Hinterlande in das Schutzgebiet eingeführt werden, und zur fabrikmässigen Verarbeitung bestimmt sind, können dem Zollamte unter Hinterlegung eines Gutscheines für einen etwa darauf fälligen Zoll gemeldet werden.

Bei der Ausfuhr der aus diesen Rohwaren hergestellten Fabrikate wird der Ausfuhrzoll auf die Rohwaren erhoben und von dem in dem Gutscheine garantierten Betrage abgeschrieben.

Der in dem Gutschein garantierte Zoll muss binnen drei Jahren nach seiner Ausstellung bezahlt oder sonstwie nachgewiesen werden.

Auf Wunsch des Fabrikanten kann auch der volle Tarifzoll auf das Fabrikat statt auf die Rohwaren bezahlt werden.

(*b.*) Einfuhr- und Küstenzoll auf ausländische oder aus chinesischen Vertragshäfen stammende Rohwaren wird bei der Ausfuhr der daraus hergestellten Fabrikate nach See zurückvergütet, falls diese Rohwaren bei der Einfuhr dem Zollamte als zur fabrikmässigen Verarbeitung bestimmt angemeldet worden sind.

(*c.*) Sobald die Ausfuhr der verschiedenartigen Fabrikate beginnt, wird in gemeinschaftlicher Vereinbarung des Gouvernements und des Zollamtes das Verhältnis des Rohmaterials zu dem Fabrikat bestimmt und der Ausfuhrzoll dementsprechend herabgesetzt werden.

(*d.*) Über die Fabriken, die zu dieser Zollbehandlung berechtigt sind, wird eine Liste aufgestellt und mit den notwendigen Nachträgen dem Zollamte zugesandt werden.

V.—OPIUM.

§ 15.

Opium darf auf Schiffen nur in Originalkisten eingeführt werden; die Einfuhr von kleineren Mengen als einer Kiste ist verboten. Alles Opium, auch das als Wegzehrung auf Schiffen geführte, muss sofort bei der Ankunft des Schiffes dem Zollamte angezeigt werden, welches seine Überführung, soweit es zur Einfuhr bestimmt ist, in das Zolllager überwachen wird.

§ 16.

Opium aus dem deutschen Schutzgebiete nach China, oder aus China nach dem deutschen Schutzgebiete, darf nur mit der Eisenbahn auf Frachtbrief als Eilgut verschickt werden. Die Mitnahme als Passagiergut oder Handgepäck ist verboten. Die Frachtbriefe über angekommenes Opium werden von der Eisenbahngesellschaft dem Zollamt im Schutzgebiete ausgehändigt und die Adressaten vom Zollamte benachrichtigt werden.

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§ 17.

Der Verbrauch von Opium im Schutzgebiete unterliegt besonderen Bestimmungen.

VI.—WAFFEN PULVER, SPRENGSTOFFE UND DERGLEICHEN.

§ 18.

Waffen, Pulver, Sprengstoffe und dergleichen, sowie die zu ihrer Herstellung dienenden Bestandteile müssen bei der Ankunft deklariert und den Anordnungen des Gouvernements entsprechend gelöscht und gelagert werden.

§ 19.

Die Ausfuhr von Waffen und dergleichen, sowie der zu ihrer Herstellung dienenden Bestandteile aus deutschem in chinesisches Gebiet ist verboten und kann nur unter Sonderpass auf Wunsch der chinesischen Regierung gegen Bürgschaft erlaubt werden.

§ 20.

Die Lagerung und der Verbrauch von Waffen und Sprengstoffen im Schutzgebiete, sowie der Handel mit solchen unterliegt besonderen Bestimmungen.

VII.—POSTSENDUNGEN.

§ 21.

Postsachen dürfen zu jeder Zeit von den Postämtern an Bord gebracht und von Bord abgeholt werden.

§ 22.

Postpaketsendungen werden vom Postamte nur mit Zollbegleitschein angenommen.

§ 23.

Einkommende Pakete wird das Postamt sofort nach Ankunft dem Zollamte zur Verzollung übergeben. Die zugehörigen Begleitpapiere werden dem Empfänger wie andere Postsachen ausgehändigt. Auf Grund dieser Papiere hat der Empfänger die Pakete gegen Entrichtung der fälligen Gebühren (siehe § 12) beim Zollamte abzuholen. Pakete, die für andere Plätze im Schutzgebiete mit deutschen Postanstalten bestimmt sind, werden auf Antrag der Empfänger gegen Erhebung einer Gebühr von 20 Cents und der fälligen Zollgebühren durch das postamt verzollt.

§ 24.

Die Einfuhr von Opium, Waffen, Pulver, Sprengstoffen und dergleichen, sowie der zur Herstellung dieser dienenden Bestandteile durch die Post ist verboten. Für besondere Fälle kann die Genehmigung des Gouvernements erteilt werden.

VIII.—TANKPETROLEUM.

§ 25.

Das zollamtliche Verfahren für Abfertigung von Tankschiffen, Lagerung und Wertberechnung des Petroleums richtet sich nach dem bei den Seezollämtern üblichen Verfahren.

IX.—DIENSTSTUNDEN DES ZOLLAMTS.

§ 26.

Das Zollamt ist, ausgenommen an Sonn- und Feiertagen, geöffnet für den Empfang und die Ausgabe von zollamtlichen Dokumenten von 10 Uhr vormittags bis 4 Uhr nachmittags; die Zollkasse ist geöffnet von 9–12 Uhr vormittags und von 2–4 Uhr nachmittags.

§ 27.

Schiffe, die an Sonn- und Feiertagen, sowie während der Nachtstunden löschen und laden wollen, bedürfen dazu einer besonderen Erlaubnis des Zollamts; diese ist während der Dienststunden einzuholen.

§ 28.

Die Beförderung von Waren über die Land- und Seegrenze des Freibezirks während der Nachtstunden ist mit Ausnahme von Post- und Passagiergepäck nur mit besonderer Genehmigung des Zollamts gestattet.

§ 29.

Als Nachtzeiten gelten—

Vom 1. März bis zum 31. Oktober die Stunden von 8 Uhr abends bis 5 Uhr morgens,

Vom 1. November bis zum 28./29. Februar die Stunden von 6 Uhr abends bis 6 Uhr morgens.

X.—STRAFEN.

§ 30.

Für Konfiskationen und Strafen gelten die bei den Seezollämtern vertragsmässig festgelegten Grundsätze. Bei Berufung gegen die vom Zollamte verfügten Konfiskationen und Strafen finden für das dabei beobachtete Verfahren die Vorschriften für gemeinsame Untersuchung Peking, den 31. Mai 1868, sinngemässe Anwendung.

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XI.—AUFHEBUNG FRÜHERER VERORDNUNGEN.

§ 31.

Diese Verordnung tritt in Ausführung der Übereinkunft vom 17. April 1899 und der Abänderungen dieser Übereinkunft vom 1. Dezember 1905 und unter Zustimmung der Zollbehörden am 1. Januar 1906 in Kraft.

Mit dem Inkrafttreten der Verordnung werden—

(*a.*) die provisorischen zollamtlichen Bestimmungen für das deutsche Kiautschou-Gebiet vom 23. Mai 1899,

(*b.*) die besonderen Bestimmungen für die Einfuhr und Kontrolle von Opium, Waffen . . . vom 23. Mai 1899,

(*c.*) die besonderen Bestimmungen, betreffend die Ausübung der Zollkontrolle vom 23. Mai 1899,

(*d.*) die provisorische Zusatzbestimmung zu den provisorischen zollamtlichen Bestimmungen, betreffend die mit der Schantung-Eisenbahn verladenen Waren vom 20. April 1901,

(*e.*) die zollamtliche Bekanntmachung Nr. 24, betreffend die mit der Eisenbahn zu versendenden Waren, vom 31. März 1902,

aufgehoben.

TSINGTAU, *den 2. Dezember* 1905.

Der Kaiserliche Gouverneur,
Allerhöchst mit der Stellvertretung beauftragt,

VAN SEMMERN.

ENCLOSURE No. 2.

大德欽命署理總督膠澳文武事宜大臣師 爲
釐訂德境以內徵稅辦法章程分條列左

第一端大綱

第一條凡貨物由水路出入德境除後開免稅各物不計外其進出口時應照稅則完納稅項如欲領有運照將洋貨運入內地另應按照條約繳納運入內地半稅土貨運出內地亦應照辦

第二條徵稅事宜須以中國通商各口新關辦法爲率至查驗貨物等事均歸海關官員隨時經理

第三條船隻應呈海關之艙口單貨物清單照約所載章程辦理此項單據須由船主開具畫押如此單內有漏報等弊惟船主是問或由代理該船之商人代爲開具單據畫押亦可

第四條船隻除民船停泊平常之處不計外其餘各船先應將艙口單呈驗海關方准預備卸貨該船如停泊在劃定無稅之區地以外者猶應稟請海關發給准單方可卸貨凡在劃定無稅之區地以外欲將貨物上船下船者卽應詳細聲明在於何處起卸

第二端劃定無稅之區地

第五條無稅之區地卽係大海口以及海隄修船塲護口之壩又自海口

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起至火車幹路止中間之地皆隸其內至於該地西南至係在雷希丹大馬路哈分小路轉角前面自後海岸起至火車道止劃一直線東至係在分轍器房附近之處自火車道起至護口之壩止劃一直線將來開展無稅區地界限應由本署隨勢酌情辦理設若日後開拓無稅之區地東至卽係沿鐵道至分轍器房止鐵道迤北護口壩迤東應塡平二百方米打之場亦歸其內南至卽係沿鐵路至山西街鐵路橋由該橋再沿馬路至大森洋行放船廠止大小海口亦包括在內

第六條無稅之區地線內除准海口海關巡警三項官員以及看棧房人看修船廠人等居住並暫准額設售賣海口華工飯食舖房以外他人一概不准居住至建立機器房屋如無要故自應准行

第七條凡在無稅之區地並在該界防圍門首查驗貨物一切事宜均歸海關人員管理

第八條呈驗艙口單後海關應將單報貨數登簿該船自出口日起十日內須將該項貨物存留無稅區地及已運出各若干分別報明海關查核彙註至將該貨運出自應照完稅項

第九條凡有商人擬將由水路或由陸路運來之各種貨物存儲無稅之區地或分別優劣或用以製造新貨均應先行報明海關於何日運到由何船進

口以及收貨人之姓名住趾件數若干包裹式樣皮面號碼貨物名目逐一報關後由海關查驗以杜偷漏等弊

第十條凡有貨物擬自無稅之區地由水路出口者先應過關如未領有關照以前貨物不准裝船

第十一條各樣車輛船隻如馬車單輪小車火車民船杉板拖船火輪船等在於無稅之區地水界陸界內來往者均由海關查驗

第三端免稅各物

第十二條照約免稅各物在德境以內亦應免稅

德軍需用各物免稅者列左

甲各色軍械號衣等項雖係水陸武員運到究應特有本督署所發之憑據方能照免

乙軍用物料及各色食品因備戰由水陸武員運到者亦應一律照辦

通行免稅各物列左

丙機器廠之全副配件以及機器各分件製造廠所用之傢具機料暨各種農器與建蓋衙署以及各等工程之木料器具運到時亟應赴關呈交保結填註該貨價值並須擔保確係德境內應用之物方能照免嗣後若有運入中國地界之處應報關完一進口正稅否則按保結上所註之情節

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照應完稅數兩倍罰充入官

丁某機件即如車輛並運物之器機等項祇因有修理之處出入無稅之區地即准免稅惟遇出入無稅區地之時均應報明以便關員稽查

戊凡有運入德境之郵政包裹若係境內住戶自用之物倘按照該包隨單上所註之情形應完稅不過一元即係估值銀二十元之數即應免稅但若遇隨時查考之處允由海關啟驗

第十三條凡來往搭客攜帶之行李若物主聲報確無應行納稅之件亦無違禁之物即准免稅雖海關不行逐次查驗但遇有另外之情節仍可照例查察至攜帶行李內如有貨物其數頗多不得混稱行李或有攜帶售賣之物均應照例完納稅項

第四端德境以內製成貨物

第十四條德境所製成之各物出口時應完稅數不過於製造廠原來所用散碎物料未製造成物之前照約應完之出口稅數

甲凡有中國散碎物料由非通商口岸或由內地運入德境藉以製造成物即由該商報關具呈將來出口應納稅項之保結

凡因工製成之物出口時完納稅項應照原運散碎物料完稅所徵之稅即在原結所保稅項若干以內扣算

保結所註之稅款自具呈保結日起三年內該商應將所保之稅或完納或另行算清

製成貨物若情願仍照稅則所載之稅數完納稅項並不照原運散碎物料完納亦可隨其所願辦理

乙凡有自外國或自中國通商口岸運來之散碎物料進口時已經完納進口正稅復進口半稅者製成貨物後由水路出口時即將其已納之進口復進口等稅償還惟進口時該商先應報關此物係製造貨物所用者

丙本督署膠海關俟製成貨物出口之始即會同核算散碎物料若干能製貨物若干照訂應納出口稅數

丁凡製造廠有照此例辦理之權者本署即開列清單送交海關查照日後如有應添應減者隨時知會海關

第五端洋藥

第十五條洋土各藥祇准原箱運進德境不得拆包改裝其進境之土藥至少必須一箱之多凡土藥進口者雖係行路備吸所用該船抵口時立應赴關報明其運入德境售賣者由關監視卸存關棧

第十六條凡欲自德境運土藥入內地或自內地運土藥進德境者祇准開用先運貨單由鐵路裝運嚴禁設用別法譬如由陸路進境隨身夾帶行李以

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內等弊當該藥運到時鐵路公司即將運單送交德境設立之海關轉知該受主

第十七條在德境以內銷售吸用洋藥另有章程

第六端軍械火藥炸藥等類

第十八條軍械火藥炸藥等類以及製造前項需用各料運到時即應報明遵照本督署隨時飭令卸船存儲

第十九條軍械等類以及製造前項需用各料禁止由德境運入華境設若中國政府特准即由該商具保領有專照方准運入華境

第二十條軍械炸藥在德境內存儲使用買賣另有專章

第七端郵寄各物

第二十一條郵寄各物由郵政局隨時派員上船收送

第二十二條凡欲由郵寄送包裹須先領有關照一並送交郵政局轉遞

第二十三條凡有包裹寄到時即由郵政局交與海關徵稅轉發該包裹運單

巡查收主即與他項郵寄物件無異收主持此項運單馳赴海關完稅領取包裹惟包裹應否完納稅項仍應照第十二條辦理收主如在德境他處居住亦可稟請郵政局代爲完納稅項另應繳費洋二角

第二十四條洋藥軍械火藥炸藥等類以及製造前項需用各料一概禁止由郵寄送但如有要故由本督署特准方可弛禁

第八端存儲火油之池

第二十五條凡各艙散載火油之船來往青島存儲火油估量油價一切事宜應照他處海關徵稅向章辦理

第九端海關辦事時刻

第二十六條除禮拜並給假日外每日早自十點鐘起至晚四點鐘止海關收發各項單照兌收稅項處每日早自九點鐘起至十二點鐘止下午自兩點鐘起至四點止辦公

第二十七條凡有船隻欲在禮拜日給假日並夜間起下貨物者應在辦事時刻內馳赴海關稟請特准

第二十八條所有物件除郵寄物件行李不計外其餘各物海關未准以前不許夜間出入無稅區地水陸界限

第二十九條夜閒字樣卽謂自西歷三月初一至十月三十一日每日晚自八點鐘起至早五點鐘止之時刻又自西歷十一月初一至二月二十八二十九每日早自六點起自晚六點鐘止之時刻

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第十端罰款

第三十條充公入官罰繳款項按照條約訂立海關通行之理辦理至海關充公入官罰繳款項如有不服者援照一千八百六十八年五月三十一日北京立定會訊章程辦理

第十一端應作罷論章程

第三十一條以上各條係按西歷一千八百九十九年四月十七日德中兩國會訂青島徵稅辦法條約又按西歷本年十二月初一日會訂青島設關徵稅修改辦法條約酌定業經海關核准爲此仰准自西歷一千九百六年正月初一日起一律遵行所有自是日起應行作廢各章程列左

一西歷一千八百九十九年五月二十三日暫訂德境徵稅章程　一西歷一千八百九十九年五月二十三日另訂洋藥槍械等物裝運進口以及查驗存售章程　一西歷一千八百九十九年五月二十三日另訂德國郵局查驗包裹章程　一西歷一千九百一年四月二十日暫訂火車裝載貨物徵稅章程此項章程即係九十九年五月二十三日章程之善後章程

一西歷一千九百二年三月十一日曉諭續增火車裝運貨物徵稅章程

大德一千九百五年十二月初二日

ENCLOSURE No. 3.

ORDINANCE REGULATING PROCEDURE IN CUSTOMS MATTERS IN THE KIAOCHOW TERRITORY.

I.—GENERAL RULES.

§ 1.

All goods imported by sea into or exported from the German territory, with only such exceptions as are specified below, are subject to Duties on importation or exportation at the rates specified in the Chinese Tariff for Foreign trade for the time being in force. Goods forwarded to or coming from the interior under Transit Pass must pay the Treaty Transit Dues in addition to the Import or Export Tariff Duty.

§ 2.

The Customs procedure is guided by the principles and follows the practice which are in force at the Chinese Maritime Custom Houses at the various Treaty ports, and Customs control wherever necessary is exercised by its officers.

§ 3.

Import and Export Manifests of all vessels made out in accordance with the provisions of the Treaties must be handed to the Customs. The Manifests to be signed either by the master of the vessel, who in that case is held responsible, or by the agent of the vessel, in which case he will be responsible.

§ 4.

Junks repairing to the special points they frequent excepted, no vessel is allowed to work cargo until Import Manifest has been handed in to the Customs, nor to allow it to leave the ship outside the free area until Customs Permit has been issued. Applications for goods to be landed or shipped outside the free area must specify the locality—what jetty, etc.—they are to be landed at or shipped from.

II.—FREE AREA.

§ 5.

The free area comprises the Great Harbour including the Moles, the wharf territory and the enclosing embankment, and the territory in front of the harbour as far as the chief railway

CIRCULAR 1,306. embankment. It is limited in the south-west by a line between Inner Harbour and railway embankment near the junction of Rechternstrasse and Grosse Hafenweg, and in the east by a line between railway and enclosing dam near the block station. An extension of the free area is reserved for later use at any time according to requirement. The following are the boundaries of the area kept for possibly required extension in the future, viz., the railway embankment to the block station, including territory to be filled in on the one side to the extent of 200 mètres east of the enclosing dam; on the other side (west), to the railway viaduct off the Shansistrasse along the road to Oster's Slip, including small and large harbours.

§ 6.

The free area shall not be made use of for dwellings, with the exception of those which are necessary for warehouse and wharf controllers, harbour, Customs, and police officers, nor for petty trade, with the temporary exception of a fixed number of Chinese street cookeries for the use of coolies. Factories are, in principle, allowed.

§ 7.

The Customs control within the free area, as well as at the exits, is exercised by the Chinese Custom House.

§ 8.

The Customs Duty account of all vessels must be settled within ten days of the ship's clearance, and Duty on all Imports passing beyond the free area paid.

§ 9.

Goods arriving by sea or from the *hinterland*, which are intended to be stored, sorted, and worked up in the free area, shall be notified to the Customs, who will then take them under supervision. At the time of the notification the following details have to be supplied: mode of conveyance by which the goods arrived, and, if by sea, name of ship, name and address of consignee, date of arrival, number of packages, kind of packing, marks and numbers, and general description of the goods.

§ 10.

Goods which are destined to be exported by sea from the free area have to pass the Customs. Goods without Customs papers are not allowed to be received on board.

§ 11.

Traffic of every kind (carriages, carts, railway, junks, sampans, tugs, steamers, etc.) by sea and land frontier of the free area is subject to the supervision of the Customs.

III.—DUTY-FREE GOODS.

§ 12.

On articles which are Duty free by Treaty no Duty will be levied. The following are Duty free:—

For the German Troops.

(*a.*) Articles for arming and outfitting the troops, including Uniforms, if directly ordered by the military or naval authorities and if accompanied by Certificate of the Government.

(*b.*) Stores and Provisions ordered by the military and naval authorities in anticipation of future requirements, if accompanied by Certificate of the Government.

For the General Public.

(*c.*) Machinery, Plant, as well as Parts of Machinery, Implements and Tools required for manufacturing, industrial, and agricultural purposes; also all Building Materials, Fittings, and other articles for public and official works. A written Bond for the value of the goods must in each case be handed to the Customs certifying that the articles are solely for use in the German territory. If, later, they are to be conveyed into China, they must be declared to the Customs and pay Import Duty. Failure to do so will involve enforcement of the Bond for recovery of double the amount of Duty on the value specified in it.

(*d.*) Articles (Vehicles and such like) passing to and fro between the free area and outside, for ordinary repairs; but they are to be reported to the Customs officer, that their passing may be noted.

(*e.*) All postal parcels imported and destined for private use in the German territory, if the Duty, which has to be taxed in accordance with the attached declaration, does not exceed $1 (value $20). The Customs are at liberty to examine such parcels and verify the declarations as occasion demands.

§ 13.

The personal luggage of passengers, declared as not containing either dutiable or contraband goods, is passed free of Duty and, as a rule, without examination; but the right of examination is reserved to the Customs in cases where it may be considered specially necessary.

Duty is leviable on articles carried in excess of those reasonably necessary for personal use or if expected to be sold.

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IV.—MANUFACTURES IN THE GERMAN TERRITORY.

§ 14.

Manufactures in the German territory are only subject to Duty in so far as China is entitled to Duty on the raw material.

(*a.*) Chinese raw material landed in German territory from the *hinterland* or non-Treaty ports and intended for use in a manufactory may be declared to the Customs and a Bond for any Duty payable on same deposited.

When the articles manufactured from this raw material come to be exported, they will pay Export Duty on the material used, and the Duty guaranteed by the Bond shall be cancelled to that extent.

Duty guaranteed by the Bond must be paid or accounted for before the expiration of three years from its date.

It will be optional for the exporter to pay full Tariff Duty on the exported article instead of on the raw material used in its manufacture.

(*b.*) Any Import or Coast Trade Duty levied on raw material arriving from Foreign countries or from the Treaty ports of China will be refunded at the time of exportation by sea of the manufactured articles made therefrom, provided that at the time of importation such material was duly declared at the Custom House as for use in a manufactory.

(*c.*) An arrangement will be made by agreement of Colonial and Customs authorities that when the various classes of manufactured articles are exported, the amount of raw material used will be fixed as a definite proportion and the Export Duty will be diminished accordingly.

(*d.*) The factories entitled to claim the treatment as specified above will be registered, and a list of them, revised as required and if needed, furnished to the Customs.

V.—OPIUM.

§ 15.

Opium can only be imported by vessels in original chests. The importation of smaller quantities than one chest is forbidden. All Opium on board of ships, including that intended for consumption during the journey, must, on arrival of the ship, be reported without delay to the Customs, who will supervise the transportation to the Customs godown of so much as is to be landed.

§ 16.

Opium from the German territory to China or from China to the German territory can only be conveyed by rail, on special Bill of Lading and as "Eilgut." It is forbidden to carry it as passenger's luggage. All Bills of Lading, etc., for arriving Opium are handed by the railway to the Customs in the German territory, who will notify the addressees.

§ 17.

The consumption of Opium in the German territory is subject to special regulations.

VI.—ARMS, POWDER, EXPLOSIVES, ETC.

§ 18.

Arms, Powder, Explosives, and the like, as well as materials used in the manufacture of the same, must be declared on arrival and discharged and stored in accordance with the regulations of the Colonial Government.

§ 19.

The export of Arms and Munitions of War of all kinds, as well as materials used in the manufacture of the same, from the German into Chinese territory is prohibited; exception is only made in the case of articles covered by Special Permit issued by the Commissioner of Customs in accordance with Chinese regulations.

§ 20.

The storage of Arms and Explosives in the German territory, as well as the trade in the same, is subject to special regulations.

VII.—MAIL MATTER.

§ 21.

Mail matter may be landed or shipped by the Post Office at any time.

§ 22.

Postal parcels will be received by the Post Office only, if accompanied by a declaration form viséd by the Customs.

§ 23.

Parcels destined for Tsingtau will be handed, immediately after arrival, by the Post Office to the Customs for assessment of Duty. The declaration form will be delivered to the addressee in the same way as other mail matter. The addressee will produce the declaration form at the Customs, and on payment of Duty, if any (*vide* § 12, (*e.*)), the parcel will be delivered by the Customs. For such parcels as are destined for other places in the German territory where German Post Offices operate, the Duty payment of such parcels will be made, on application of the addressee, by the German Post Office, who will collect the Duty and a fee of 20 cents at the time of delivering the parcel.

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§ 24.

The importation of Opium, Arms, Powder, Explosives and the like, as well as materials used in the manufacture of the same, by Post is forbidden. In special cases the Government can grant an exception.

VIII.—TANK KEROSENE OIL.

§ 25.

The Customs procedure for despatching tank ships, storage, and valuation of Kerosene Oil will be in accordance with the procedure in force at the Maritime Custom Houses at the Treaty ports.

IX.—OFFICE HOURS OF THE CUSTOM HOUSE.

§ 26.

The Custom House is open for the receipt and issue of all Customs papers from 10 A.M. to 4 P.M. on all days, Sundays and holidays excepted. The Customs Bank is open on all week days from 9–12 A.M. and 2–4 P.M.

§ 27.

Vessels wishing to load or discharge on Sundays or holidays, as well as during night hours, must take out a Special Permit from the Customs: this Permit must be applied for during office hours.

§ 28.

The transport of goods over land and sea boundary of the free area during night hours is only allowed in case a Special Permit has been obtained from the Customs. This does not apply to mail matter and passengers luggage.

§ 29.

Night hours are:—

From 1st March to 31st October: from 8 P.M. to 5 A.M.
From 1st November to 28/29 February: from 6 P.M. to 6 A.M.

X.—FINES.

§ 30.

Confiscation and fines will be imposed according to the principles which are laid down by the Treaties and which are in force at the Maritime Custom Houses. In cases of appeal

against confiscation and fine imposed by the Commissioner of Customs, the procedure will be conducted in accordance with the spirit of the "Rules for Joint Investigation in Cases of Confiscation and Fine by the Custom House Authorities. Peking, 31st May 1868." CIRCULAR 1, 06.

XI.—ABROGATION OF FORMER REGULATIONS.

§ 31.

This Ordinance, issued to carry out the terms of the Agreement made on 17th April 1899 and of the Amendment to same made under its 20th paragraph on the 1st December 1905, and accepted by the Chinese Customs authorities, will come into force on 1st January 1906, and will take the place of the following Regulations, which are hereby rescinded:—

(*a.*) The Provisional Customs Regulations for the German Territory of Kiaochow, of 23rd May 1899.

(*b.*) The Special Regulations for the Importation and Control of Opium, etc., of 23rd May 1899.

(*c.*) The Special Regulations *re* the Execution of the Customs Control, of 23rd May 1899.

(*d.*) The Provisional Additional Regulation to the Provisional Customs Regulations concerning Goods loaded by the Shantung Railway, of 20th April 1901.

(*e.*) The Customs Notification No. 24 regarding the Goods loaded by the Railway, of 31st March 1902.

TSINGTAU, *2nd December* 1905.

The Colonial Governor p. t.,

(Signed) VAN SEMMERN.

CIRCULAR 1,306.

ENCLOSURE No. 4.

VERORDNUNG BETREFFEND ÜBERGANGSBESTIMMUNGEN BEI ERÖFFNUNG DES FREIGEBIETES AUF GRUND DER VERORDNUNG VOM 2. DEZEMBER 1905.

1.

Waren, welche vor dem Tage der Veröffentlichung der Verordnung betreffend das Verzollungsverfahren im Schutzgebiete von Kiautschou vom 2. Dezember 1905 (Amtsblatt Seite 265) verschifft sind und zum Gebrauch im Schutzgebiete dienen, gehen zollfrei ein.

2.

Waren, welche vor dem Tage der Veröffentlichung der Verordnung zum Gebrauch im Schutzgebiete bestellt sind oder welche auf Grund von vor Veröffentlichung des Zollabkommens abgeschlossenen Kontrakten zum Gebrauch im Schutzgebiete angeliefert werden, werden bis zum 31. März 1906 zollfrei im Schutzgebiete zugelassen. Eine Verlängerung der Frist ist ausnahmsweise in besonderen Fällen angängig. Die schriftlichen Nachweise sind dem Zollamte vorzulegen und auf Verlangen durch weitere Beweismittel zu vervollständigen.

3.

Zur Durchführung der Verzollung von Waren, welche im Schutzgebiete lagern und zur Ausfuhr nach China bestimmt sind, werden bis zum 31. März 1906 die alten Zollstationen beibehalten.

4.

Waren, auf welche der Zoll beim Verlassen des Freigebietes entrichtet ist, passieren die alten Zollstationen zollfrei gegen Vorlegung der Zollscheine.

5.

Waren, welche im Freigebiet lagern, sind dem Zollamte binnen 10 Tagen vom Tage des Inkrafttretens der Verordnung vom 2. Dezember 1905 an unter Vorlegung möglichst genauer Angaben über Verpackungsart, die allgemeine Bezeichnung, Zeichen und Nummern der Waren vom Warenempfänger oder Agenten zu melden.

TSINGTAU, *den 2. Dezember* 1905.

Der Kaiserliche Gouverneur,
Allerhöchst mit der Stellvertretung beauftragt,

VAN SEMMERN.

ENCLOSURE No. 5.

大德欽命署理總督膠澳文武事宜大臣師 爲

曉諭暫訂德境以內徵稅特別辦法章程事查此項章程係爲通融起見與西歷本年十二月初二日出示之章程宗旨並未更易茲將此章分別列左

第一條所有船隻裝載之貨物其期在曉諭西歷本年十二月初二日訂章之日以前將來運入德境各口倘該貨物留消於德境即毋庸納稅

第二條凡有在他處於曉諭西歷本年十二月初二日訂章之日以前定買之貨物或按曉諭訂章之日以前已訂合同運交之貨物將來運入德境各口倘該貨物留消於德境均截至西歷一千九百六年三月三十一日止限內毋庸納稅

第三條現在各處已有之分卡均著截至西歷一千九百六年三月三十一日止照常設立倘遇現在德境已經存儲之貨物於期內出境者各該分卡仍宜執守徵稅向章辦理

第四條所有一經運出無稅區地已完進口稅之貨物嗣後如遇舊有之各分卡則毋庸納稅惟應將完稅單據呈驗

第五條所有現在無稅區地以內存儲之貨物應自西歷一千九百六年正月初一日起十日內該收貨人或代理人必須將該貨物包裹式樣皮面號碼貨物名目逐一詳細報明海關查核仰各遵照特諭

大德一千九百五年十二月初二日

PEKING, 23rd December 1905.

I. G.

Circular No. 1,306.

SECOND SERIES.

5 *Enclosures.*

Kiaochow Custom House: Regulations issued by Colonial Government in connexion with Tsingtau Amendment.

Received .....

Kiaochow Custom House: Regulations issued by Colonial Government in connexion with Tsingtau Amendment . . . . . 1,306 336 IX

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CHIEF CLERK
MAR
24
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OF STATE.

No. 230.

February 16, 1906.

BUREAU OF TRADE RELATIONS
RECEIVED
MAR 28 1906
Noted & retd.
DEPARTMENT OF STATE

Mr. Rockhill to the Secretary of State.

Subject:

"Chinese Mines and Railways." Enclosing editorial from the North China Daily News, Shanghai, February 7, 1906.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 230.
R.

February 16, 1906.

To the Honorable

Elihu Root,

Secretary of State,

Washington, D.C.

S i r :

I have the honor to enclose herewith an editorial from a leading British newspaper of Shanghai on the subject of the present policy of the Chinese in regard to mines and railways. The article is interesting for the facts which it contains, and also as showing the temper of an influential portion of the Shanghai foreign press, ~~which~~ it is distinctly hostile to China on every question, whether affecting municipal organization or general rights.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:

Editorial from "North China Daily News", Shanghai, February 7, 1906 - "Chinese Mines and Railways."

LEGATION OF THE UNITED STATES OF AMERICA,
PEKING, CHINA.

North-China Daily News.

IMPARTIAL NOT NEUTRAL.

SHANGHAI, 7TH FEBRUARY 1906.

CHINESE MINES AND RAILWAYS.

AMONGST the immediate results of Young China's policy, the railway question occupies a prominent position; but it may console us to reflect that it did so at the time of the Burlingame Mission in 1867—a fact which shows what practical sympathy we may expect towards our ideas of material progress from those who rule this country. Forty years ago, Sir Robert (then Mr) Hart was eloquently pleading for patience in our dealings with a people unaccustomed to foreign ideas; it would be interesting to know whether, in his present opinion, they have now had time to assimilate those ideas. Undoubtedly there exists a certain small section of public opinion, reflected in the native Press, which sees the advantages to be derived from improved means of communication, but the ruling literary class, and those whose ideas rest on the dry bones of Confucianism, still hold to the exclusive policy of their ancestors, believe in the innate superiority of the Celestial race, and would keep the foreigner and all his works at arm's length. The question has long since resolved itself into one of economic pressure from the West against the conservative obstruction of the Chinese.

Those railways which, despite that obstruction, have already been built, have sufficiently demonstrated the fact that the masses of the people appreciate improved means of communication and transport, and that the financial results of these enterprises are not unsatisfactory; moreover, even Chinese officials will hardly venture to assert that the construction and working of the Northern railway, of the Lu-Han, and of the Nanking line have led to any infringement of China's sovereign rights. (That the Manchurian did so was due to the fact that China yielded to Russian dictation with full foreknowledge of its inevitable results.) Nevertheless, the provincial authorities and gentry are undoubtedly opposed to any extension of railway construction by foreigners, and the Government's aim appears to be, not only to refuse all new concessions, but to cancel or repurchase those already granted. This attitude opens up questions of the first importance, questions which must eventually entail decided measures by the Governments concerned. The unfortunate results of American enterprise, as shown in the Hankow-Canton Railway fiasco, have undoubtedly afforded the Chinese Government some justification for their present policy; though they were ill-advised in paying heavy compensation to recover a concession which had undoubtedly been violated. Be this as it may, the British Government can hardly be expected to recognise this pretext as sufficient for the proposed cancellation of the several British concessions at present under negotiation or in process of development. The position of affairs existing in regard to the Peking Syndicate's railway and mining rights in Shansi and Honan, the British and Chinese Corporation's concessions for railways in Kuangtung, Chêkiang, and Kiangsu, and the Anglo-German Tientsin-Chinkiang line, has for some time been a deadlock; for the Chinese Government, with significant indifference to Legation protests, has authorised the various provincial authorities to establish Bureaux for the construction of railways under native administration, and is framing mining regulations intended effectively to exclude all foreign participation. The British concessions referred to were formally granted by China to Great Britain in 1898, as the result of diplomatic pressure brought to bear after the Lu-Han breach of faith. The Chinese Government apparently bases its present action on the ground that the fulfilment of these undertakings by the British concessionaries concerned has been unduly delayed; they ignore the truth, viz., that the delay has been chiefly due to the troubles caused by the Boxer rising and to Chinese obstruction in the subsequent negotiations. That China is entitled to refuse all further concessions to foreigners, and to exercise the right to construct her own railways, may be frankly admitted; but it is time

that she be made clearly to understand that she cannot without serious consequences repudiate formal undertakings made under the authority of the Throne.

By the Mackay Treaty, it was agreed that commercial facilities in China would be increased, amongst which the construction of improved means of communication is evidently essential; similarly, the undertakings given to place the mining regulations of the Empire on a liberal basis consistent with civilised usage, is one which the Chinese Government should have fulfilled in its own interest. As matters stand, the *personnel* and practice of the native bureaux which have cropped up on all sides during the past two years are not such as to inspire us with any belief in the good faith of the Chinese, either to construct their own means of communication, or to develop the mineral resources of the Empire; on the contrary, judging by the methods adopted to raise funds for these enterprises, we are justified in believing that the first result of these methods will be to stimulate the anti-foreign feeling already latent in the provinces, to afford the officials concerned new opportunities for illegal exactions of a lucrative kind, and to postpone indefinitely the day of improved administration.

The position of affairs recently created at Canton and Wuhu by the native railway Bureau, ostensibly formed for the construction of lines under native management, is certainly ominous, and the position is one which, if maintained, will fully justify forcible intervention. In one instance, viz., that of the British concession for the railway from Shanghai to Hangchow and Ningpo, the action of the Chinese Government can certainly not be allowed to pass without serious notice; the Waiwupu is perfectly aware that this concession was formally made to Great Britain; nevertheless a recent Imperial Edict ignores that fact and authorises the provincial gentry to construct this railway with native capital. The Government must be aware that whatever the clamorous views of Chinese students may be as to the feasibility of this native enterprise, the British Government has to be consulted before the original concession can thus be repudiated. The Viceroy at Canton appears to be acting under similar misconception as to the position of British rights in the Kowloon-Canton line, and it is becoming more and more evident that unless the Waiwupu soon realises the folly of its present tactics, something more than polite remonstrances on the part of the British Minister at Peking will be needed.

To anyone acquainted with the real trend of native opinion and the possibilities of native administration, little argument is needed to prove the utter impracticability of the claims so loudly applauded in the vernacular Press and by the Patriotic orators at the provincial centres; the Chinese themselves know perfectly well that native merchants will not entrust their capital to Chinese officials under any circumstances, and that it is absurd to suppose that money in large amounts can be raised in China at five per cent or any other reasonable rate of interest. Intelligent Chinese fully recognise that the immediate object of the Government is not to construct the railway lines needed for the development of the country, but simply to block these enterprises, partly with a view to conciliating those who so vociferously proclaim the policy of China for the Chinese, and partly to conform to the established traditions of selestial government. The same policy may be traced in the action taken by the Nanking Viceroy for the conservancy of the Huangpu, which is apparently intended to create a further deadlock with the Powers signatory of the Peking Protocol, and thus to postpone for a further indefinite period the expenditure to be incurred by China for this undertaking.

The whole question is rapidly reaching a stage where firm and definite action must be taken by the foreign Governments concerned, or their rights be entirely abandoned; we may therefore reasonably expect that upon the conclusion of the election, the British Foreign Office will take immediate steps to put an end to unreasonable Chinese obstruction and bad faith.

We understand, indeed, that the Hangchow Railway deadlock is already producing results which might have been expected long since, and the Chinese Government has been informed by the British Legation that not only does Great British decline to recognise the cancellation of British rights and the establishment of the native Bureau recently authorised by Imperial Edict, but immediate arrangements will be made for the construction, under the original agreement, of the railway, to which work engineers will therefore shortly proceed. As the opposition to this undertaking at Hangchow has been to a very great extent of the fictitious kind instigated by interested persons and foolish students, and as the people in this thickly-populated province are extremely anxious to see the railway constructed without delay, it is to be hoped that a firm stand will now be taken, and that the Chinese Government may understand that any further attempt to repudiate formal undertakings will not be tolerated. At a juncture like the present it is perfectly certain that only by firmness on the part of the Foreign Powers interested in the commerce of China can that commerce be developed or even maintained. Weak truckling to China, which seems to be favoured in some quarters, can only end, as all such weakness has done in the past, in disaster.

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ASSISTANT SECRETARY, MAR 24 1906

CHIEF CLERK MAR 24 1906 DEPARTMENT OF STATE

RECEIVED MAR 28 1906 DEPT. OF STATE.

No. 231. February 17, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Attempted examination of Chinese Commissioners upon arrival in America. Confirmation of telegrams exchanged on the subject.

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AMERICAN LEGATION,
PEKING, CHINA.

CONFIDENTIAL.

No. 231.
R.

February 17, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

The day before yesterday I was informed by a friend in whose reliability I have perfect confidence that a letter had been received in Peking within the last few days from one of the officials attached to the Chinese High Commission which is now visiting the United States, and in which the writer stated that on arrival in the United States the authorities had endeavored to make personal examination of the Commissioners. This attempt, the writer stated, was finally abandoned but the suite of the Commissioners were subjected to examination, - as I understood, by the Bertillon system.

My informant gave it as his belief that this story, which he did not believe any more than I did, would be rapidly spread among the Chinese and might be used by the evil intentioned to excite ill-feeling toward us and foreigners generally. As I shared also his apprehension I deemed it my duty to enquire of you by cable as to the truth of this statement. I confirm as follows my telegram to you of the 15th instant:

"Seastate,

Washington.

February 15, 5:00 P.M. Confidential. Private letter received here from a member of Chinese High Commission says that when entering the United States the authorities attempted bodily examination Commissioners but desisted only taking finger prints etcetera of the secretaries. I fear effect if this report streads. Can I if necessary deny it.

Rockhill."

I have also to acknowledge as follows your reply to my inquiry, received yesterday,-

"Rockhill,

Peking.

No examination attempted by officers of the United States. Purser of the Steamer merely attempted to follow his general instructions as to all passengers in the absence of instructions to the contrary which would doubtless have been given before departure had timely notification date of sailing been afforded.

Root."

It is to be regretted that the Chinese Commissioners did not, apparently, inform the Chinese Minister of the date of their sailing from Yokohama. I made repeated inquiries of them before leaving here as to this, and urged them to give full information to the American authorities as to the probable date of their arrival, so that every courtesy could be shown them. They deemed it advisable, however, to leave Peking with great secrecy, so that no chance should be given

their enemies to again attempt their destruction as had been done when they were starting out in September last. I could learn nothing from them as to their movements, but supposed that at Shanghai or Yokohama they had wired the Chinese Minister, giving him the needed information.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

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No. 232. February 17, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Acknowledging appointment of Willard B. Hull, as Vice and Deputy Consul General of the United States at Hankow.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 232.
C.

February 17, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to acknowledge the receipt of Department Instruction No. 84 of January 2, 1906, enclosing the certificate of appointment of Willard B. Hull, of Iowa, as Vice and Deputy Consul General of the United States at Hankow.

The Foreign Office has granted him formal recognition and a notification to this effect has been sent with the certificate of appointment to the Consul General.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

RECEIVED
FEB 19 1906
DIVISION OF DIPLOMATIC AND CONSULAR AFFAIRS
DEPARTMENT OF STATE

BUREAU OF APPOINTMENTS
FEB 19 1906
Department of State.

Secretary of State.
FEB 19 1906

TELEGRAM RECEIVED IN CIPHER.

From Peking,

February 19, 1906.

Received 3:19 a.m.

Secretary of State,

Washington.

February 19, 12 m.

Can Cheshire examine student interpreters Shanghai, Hangchow, later on Tientsin to ascertain progress and efficiency?

ROCKHILL.

Ans. Yours nineteenth. Yes

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Deciphered by S.H.Q.

TELEGRAM RECEIVED IN CIPHER.

Secretary of State, FEB 24 1906

RECEIVED FEB 24 1906 DIVISION OF THE BUREAU OF STATE

BUREAU OF APPOINTMENTS FEB 22 1906 Department of State.

From Peking,

Rec'd Feb.22,1906, 10.08 a.m.

CHIEF CLERK FEB 24 DEPARTMENT OF STATE.

Secretary of State,

Washington.

Feb.22,5.p.m. Reports published here of great uneasiness in the United States concerning the situation in China imaginary. Conferred with all my colleagues;none of us see any cause for undue apprehension,while considering caution and watchfulness always necessary. Missionary troubles no more common than usual;all including Shanghai fracas,due to local causes only. Pronounced general feeling noticeable is the determination of the Chinese to secure entire economic exploitation of their Empire. The Governmnent of China is alive (to) importance of preventing hostility toward foreigners. Formally cautioned recently by Japan to do so. Chinese Government declared its determination to do so.on all occasions. Boycott may continue with local friction and irritation,but to all here it seems highly improbable anything more serious likely to occur in near future. None of our consuls or of the other nationalities report undue apprehension.

ROCKHILL.

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RECEIVED APR 3 1906 DIPLOMATIC BUR. DEPT.

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ASSISTANT SECRETARY, APR 3 1906

CHIEF CLERK APR 2 1906 DEPARTMENT OF STATE.

No. 233.

February 23, 1906.

FOR RELS. '09

Mr. Rockhill to the Secretary of State.

Subject:

The Whangpoo Conservancy. Re objection made by the Representatives of the Powers to the appointment of a Resident Administrator.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 233.
C.

February 23, 1906.

FOR RELS.
'09

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

Referring to my No. 122 of October 12, 1905, I have the honor to enclose a copy of a joint note of the Representatives of the Powers signatories of the Final Protocol of September 7, 1901, protesting against the alleged action of the Viceroy of Nanking in appointing a Resident Administrator of the Whangpoo Conservancy board, in contravention of Article I of the Revised Agreement of September 27, 1905.

I have also the honor to report that in conformity with Article II of the Revised Agreement referred to, Mr. Jan de Rijke, an experienced Dutch engineer has been selected and appointed by China to undertake the work of the Conservancy.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:

Foreign Representatives at Peking to Prince Ch'ing, February 19, 1906.

*/ See For. Rels., 1905, p. 122.

Enclosure in Despatch No. 233.

FOR RELS.
'09

Foreign Representatives to Prince Ch'ing.

February 19, 1906.

Your Highness:

In the issue of the Shen Pao of January 2nd there appeared the text of a document which purports to be a copy of a despatch from the Acting Governor General of Nanking to the Shanghai Taotai containing instructions in regard to the establishment of a Chief Office of Works for the Conservancy of the Huangpu. We have the honor to enclose a copy of this despatch and to request Your Highness to inform us whether it is authentic.—

We would at the same time remind Your Highness that according to Article I of the Revised Agreement of September 27th, 1905:- "the works in connection with the improvement "of the Channel of the Huangpu River and of the condition "of the inner and outer bars at Wusung together with the "maintenance of such improvements shall all be placed under "the management of the Shanghai Customs Taotai and the "Commissioner of Customs."

and in Article X it is laid down that "the total sum annu- "ally provided for carrying out works and maintaining works "already completed is to be paid in equal monthly instal- "ments by the Provincial authorities concerned to the "Shanghai Customs Taotai and the Commissioner of Customs"

We notice, however, that in the despatch above referred to a Resident Administrator is appointed to transact all the business of the Chief Office of Works, and to superintend its revenue and expenditure; that all such matters as applications to hasten remittances of money, the raising of loans, and all

questions concerning funds for use in the Conservancy work shall be in his charge; that he shall control the correspondence and books; and that as occasion arises he shall instruct the Customs Taotai and the Commissioner of Customs to consult and take action. It is perfectly clear therefore that if this despatch is authentic the management of the Huangpu Conservancy, both works and finance, is to be entirely in the hands of the Resident Administrater, and not, as stipulated in the two articles of the Revised Agreement above mentioned, in those of the Customs Taotai and the Commissioner of Customs.

We are very desirous of fufthering the objects of the Revised Agreement of September 27th 1905, which was intended to secure the carrying out of the Huangpu Conservancy works with diligence care and economy, but we are wholly unable to admit that the instructions of the Acting Governor General to the Shanghai Taotai as stated in the enclosed document are in accordance with the terms of the Revised Agreement.

The favor of an early reply is requested.

We avail ourselves of this opportunity to renew to Your Highness the assurance of our highest consideration.

(Signed)A.V.Mumm,
A. Rosthorn,
EdM. de Prelle,
M. de Carcer,
W.W.Rockhill
M. Dubail,
E. Satow,
C. Baroli,
Y. Uchida,
W.J.Oudendijk,
D. Pokotilow.

questions concerning funds for use in the Conservancy work shall be his charge; that he shall control the correspondence and books; and that an occasion arises he shall instruct the Customs Postal and the Commissioner of Customs to consult and take action. It is perfectly clear therefore that if this deputation is authentic the management of the Ibadan Conservancy, both works and finance, is to be entirely in the hands of the Resident Administrator, and not, as stipulated in the two articles of the Revised Agreement above mentioned, in those of the Customs Postal and the Commissioner of Customs.

We are very desirous of furthering the objects of the Revised Agreement of September 27th 1906, which was intended to secure the carrying out of the Ibadan Conservancy works with diligence care and economy, but we are wholly unable to admit that the instructions of the Acting Governor General to the Principal Postal as stated in the enclosed document are in accordance with the terms of the Revised Agreement.

The favor of an early reply is requested.

We avail ourselves of this opportunity to renew to Your Highness the assurance of our highest consideration.

(Signed) A.V.Munns,

A. Postmaster,

H&M. de Prelle,

M. de Darcer,

W.W.Rockhill

M. Dubail,

E. Eaton,

C. Parodi,

Y. Uchida,

W.J.Oudendijk,

D. Pokotilow.

Translation.

Copy of letter of instructions from the Viceroy at Nanking to the Shanghai Taotai.

Whereas it has been decided that the improvement of the channel of the Huangpu shall be taken over by China herself; and the Board of Foreign Affairs have substituted a different arrangement which they have signed with the Foreign Representatives at Peking, and which has received the Imperial Sanction, and has been communicated to me for execution; it becomes my duty, in compliance therewith to establish a Chief Office of Works for the Conservancy of the Huangpu. All the matters which that office shall have to carry out must be under the management of the Shanghai Taotai and Commissioner of Customs. But in view of the importance of this undertaking, - and putting aside for the moment the engagement of an engineer, which will be done under contract when a candidate has been definitely selected; and the appointment of an Inspector of Works, which will be made when the date of commencement of work is fixed, - it is now necessary at the first foundation of this office to appoint in addition a Resident Administrator (Tso Pan) to reside at the office and transact business.

. I find that Ku T'ang-sheng, who has the rank of a Second Class Secretary of a Metropolitan Board, appears to be a suitable person to be appointed Resident Administrator (Tso Pan) to transact all the business of the office, and to superintend its revenue and expenditure. All such matters as making application for the prompt remittance of funds from various sources, or raising loans from capitalists, and all questions respecting funds for use in conservancy work, when they are

Translation.

Copy of letter of instructions from the Viceroy at Nanking to the Shanghai Taotai.

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due, how much should be obtained, and whether or not they are excessive, shall be in his charge. He shall also control the correspondence and books of the office, and as occasion arises he shall instruct the Customs Taotai and Commissioner of Customs to consult and take action. His responsibility being heavy, he shall be granted a salary at the rate of Shanghai Taels 800 per mensem.

Further, in view of the magnitude of the works to be undertaken by that office, and of the length of the time they will occupy, during which questions will arise requiring advice and consultation, it is necessary that there should be an official of repute and experience to give advice on any matter, so that by the aid of his counsel the works may be carried out with expedition and economy, and in order that friction between Chinese and foreigners may be avoided. Now I find that the former American Consul-General, Mr. Goodnow is a reasonable and honourable gentleman, respected by Chinese and foreigners alike, who appears suitable to be appointed adviser, to examine into affairs in conjunction with the various officials of the Conservancy Office, for the purpose of assisting the management of the Office and supplementing any deficiencies in the superintendence of the works of inspection He will not however have independent authority. His monthly salary will be Shanghai Taels 600.

Again, at the beginning, when work is being started, the Resident Administrator, (Tao Pan) will not be able to cope singlehanded with the multifarious duties of the office such as investigating foreshore questions, surveys, the preparation of maps and memoranda, as well as supervising the books and correspondence of the office. I find that the expectant

due, how much should be obtained, and whether or not they are excessive, shall be in his charge. He shall also control the correspondence and books of the office, and as occasion arises he shall instruct the Customs Taotai and Commissioner of Customs to consult and take action. His responsibility being heavy, he shall be granted a salary at the rate of Shanghai Taels 800 per mensem.

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Taotai Ho Wei - is an official of wide experience who would be suitable for the appointment of Assistant Administrator of this office, to help in discharging various functions. His monthly salary will be Taels 200 for this purpose.

The several officials above mentioned are appointed by myself for the transaction of business. The authority for their retention or retirement should be vested in the High Commissioner for Southern Ports, and when the engineer has arrived at the office the office shall proceed to draw up rules defining the duties of each person, which will be submitted to me for transmission to the Throne for approval and to the Board of Foreign Affairs for purposes of record.

Besides sending these instructions, I am informing the persons concerned of their appointments. The Taotai on receiving the present instructions should comply with them without delay and consult with(his colleague) with a view to taking action (as directed).

File note 1571.

Raotal No Wet - is an official of wide experience who would be suitable for the appointment of Assistant Administrator of this office, to help in discharging various functions. His monthly salary will be Taels 200 for this purpose.

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Besides carrying these instructions, I am informing the persons concerned of their appointments. The Taotai on receiving the present instructions should comply with them without delay and consult with(his colleague) with a view to taking action (as directed).

M. Abbee

File

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ASSISTANT SECRETARY, APR 3 1906

CHIEF CLERK APR 2 1906 DEPARTMENT OF STATE.

To Com. & Labor Apr. 14/06

No. 234. February 23, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

"Railways in Manchuria and Korea". Enclosing an extract from the "Japan Daily Mail" of January 6, 1906.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 234.
R.

February 23, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

1/ I have the honor to enclose herewith an article from a recent issue of the Japan Daily Mail of Yokohama, concerning the railway work done by the Japanese Government in Korea and Manchuria during the war and the work that remains to be done in order to render the lines permanently useful.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:

Clipping from Japan Daily Mail of January 6, 1906,
"Railways in Manchuria and Korea."

Encl. in Des. #234.

From "Japan Daily Mail", January 6. 1906.

RAILWAYS IN MANCHURIA AND KOREA.

Many conjectures have been hazarded about the railway work done by the Japanese Government in Korea and Manchuria during the war and the work that remains to be done in order to render the lines permanently useful. The subject is very lucidly treated by the *Jiji Shimpo*. Taking the various lines and observing that the monies hitherto spent on them have been taken from the war funds, our contemporary gives the following figures:—

SEOUL-WIJU RAILWAY.

Already expended, 21,841,243 *yen*; in which total is included the cost incurred in carrying to rapid completion the railway between Samlang-jin and Masau. This latter road connects Samlang-jin, a station on the Seoul-Fusan road, with Masampo. It appears to have been found essential for military purposes and to have been pushed forward with exceptional rapidity, the additional funds required for the purpose being paid out of those appropriated for the Seoul-Wiju road, but the accounts have not yet been accurately differentiated so that it is impossible to say exactly how much went to the Seoul-Wiju construction and how much to the Samlang-jin—Masampo.

To be still expended upon the Seoul-Wiju line in order to perfect it and bring it into the condition of a permanent road, 20,040,900 *yen*.

Out of this last total, orders for essential materials have been given and labour has been undertaken to the extent of 4,340,000 *yen*.

MASAU SAMLANG-JIN ROAD.

Sum already spent in addition to the money appropriated from the Seoul-Wiju Fund as noted above.. 1,191,356 *yen*

EAST-CHINESE RAILWAY.

Sum already spent..... 29,174,910 *yen*
Sum required to complete the work.. 3,380,239 *yen*

ANTUNG-MUKDEN RAILWAY.

Sum already spent..... 6,209,365 *yen*

The sum required to complete the work is not yet definitely ascertained.

Adding up the above figures, it results that the amount actually defrayed out of the war funds for purposes of railway building is 58,416,874 *yen*, and that the amount still to be spent, so far as has been ascertained, is 23,420,239 *yen*. Probably the latter figure will ultimately reach a total of 40 millions, and the grand aggregate of expenditure will be 100 millions, approximately. There can be no question about the very solid interests secured by this Empire in Korea and Manchuria. Another point emphasized by the figures is that when Japan asked the Peking Government for the concession of the Antung-Mukden road, she had already invested in the enterprise a very substantial sum, and the same was true on a much larger scale with regard to the Liaching-Chanchung line. The same argument did not apply at all to the Kirin-Chachung road, and probably applied in only a very insignificant measure to the Hsinmintun-Mukden Line which had been constructed by the Russians.

RECEIVED APR 3 1906 DIPLOMATIC BUREAU U.S. STATE DEPT.

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DIPLOMATIC BUREAU. ACK. AND FILE.

CHIEF CLERK APR 2 1906 DEPARTMENT OF STATE.

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ASSISTANT SECRETARY, APR 3 1906

Mr Adee

Asked personally April 9

No. 235. February 23, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

"H.E. Ts'en Ch'un-hsuan". Enclosing editorial from the North China Daily News of February 13, 1906.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 235.
R.

February 23, 1906.

To the Honorable

Elihu Root,

Secretary of State,

Washington, D.C.

S i r :

I enclose herewith for your information an interesting, temperate and accurate notice on the present Viceroy of the Liang Kuang Provinces, Ts'en, (or Ch'en, as here pronounced) Ch'un-hsuan, which I take from a recent issue of the leading British newspaper of Shanghai.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:

Clipping from the North China Daily News, Shanghai, February 13, 1906, "H.E. Ts'en Ch'un-hsuan".

Encl. in Des. #235.

North-China Daily News.

IMPARTIAL NOT NEUTRAL.

SHANGHAI, 13TH FEBRUARY 1906.

H. E. TS'EN CH'UN-HSUAN.

STUDENTS of psychology cannot fail to be interested in the case of the present Acting Viceroy of the Two Kuang. His father, Tsên Yü-ying, was Viceroy of Yünnan, and it was he who put down the Mahomedan rebellion with such an unsparing and ruthless hand. He practised the traditional cruel Chinese methods of pacification, methods summed up in one word, extermination; he actually "made a solitude, and called it peace;" and Yünnan has not yet recovered. It has always been believed that it was by his direct orders that Mr. A. R. Margary, whose monument stands at the corner of the Reserve Garden, was murdered; and it was the then Consul Davenport's dearest wish that that monument should be erected in the grounds of the British Consulate, so that every Chinese official who visited the Consulate should be obliged to pass under it. Having put down the rebellion, H. E. Ts'ên Yü-ying ruled Yünnan as an absolute autocrat, by terror.

His elder son, H. E. Ts'ên Ch'un-hsüan, was given an honorary degree, on account of his father's services to the Throne, and his first employment was in 1892 as sub-Director of the Court of Imperial Entertainments. In the following year he became Director of the Imperial Stud. These appointments were more or less sinecures, but in 1898 he was given active work as Provincial Treasurer of Kuangtung. In December of the same year he was removed to the same post in Kansu. In 1900 he was made Governor of Shen-si, although he did not conceal the fact that his principles were so opposed to those of his late father that he was one of the leaders, from his rank, of the Reform party in the Empire. In 1901 he was transferred to Shansi as Governor, where he was supreme in his province, Shansi being one of the three provinces that have no Viceroy. He was so successful as a Governor, so popular with all, and such a successful administrator, that in 1902 he received the high honour of having a Yellow Jacket conferred upon him. In the same year he was sent as Governor to Kuangtung, and in 1903 was made Acting Viceroy of the Two Kuang; being a native of Kuangsi, he could not be given the substantive post; but his fame as a man of intelligence, enlightenment, and vigour was so well established that he was specially sent to Canton to put down the so called rebellion in his native province. His appointment was hailed with delight by the Cantonese; for he made himself so popular when he was Provincial Treasurer at Canton, that when the news came that he was to be transferred, the people built a wall of bags full of rice in front of the gate of his yamên, to prevent his leaving them. Gradually, however, the exercise of the arbitrary power of life and death, and the difficulties he has had in dealing with the corruption and incompetence rampant in the civil and military administration of his two provinces, have entirely changed his nature. He has retained his ability to govern, but the inherited bloodthirstiness in his character has come to the surface. He has been ruthless in his dealing with the so-called rebels in Kuangsi, and in his chastisement of the corrupt officials under him; he did not hesitate, as we reported some time ago, to publicly drink the blood of a bandit whose execution he was attending; and from being the most popular official, he has now become the best-hated man, by foreigners and natives alike, in the two southern provinces. Having scorned when he went to Canton to avail himself of the illegitimate sources of revenue exploited by some of his predecessors, and having to meet the expense of constant and protracted expeditions against the rebels in Kuangsi, his treasury has been badly supplied, and he has had to impose taxes which have alienated his people. He has shown himself lately a violent enemy of foreigners; he has made no real efforts to suppress the boycott; he turns a deaf ear to the representations of the foreign Consuls, and refuses, under the plea of sickness, even to see them; and on the same plea he evades attendance at the banquets which his position obliges him to give from time to time. One of his latest exploits has been to seize a

large quantity of coal belonging to an official whom he has cashiered and whose property he has confiscated, this coal being mortgaged to a foreign bank in Hongkong; but he will listen to no remonstrances. The foreign Consuls, the American especially, can get nothing out of him. Having been forced to buy back the Canton-Hankow railway from the American syndicate, he has been endeavouring to raise from the merchants and people the funds necessary to construct the line. This source failing, largely in consequence of his unpopularity, he determined to raise the funds by new taxation. A large meeting of the gentry and merchants of Canton was held to protest against this course, the ex-Viceroy of Min-Chê, an old man, coming out of his retirement to head the movement. This so angered him that he arrested two of the leaders of the gentry, thoroughly representative men of the highest character, and deservedly most popular with the Cantonese people. These two gentlemen, Li and Liang, were selected by the Kuangtung gentry to confer with the gentry of Hupeh and Hunan as to the best means of raising funds to construct the railway, and on their return they were arrested by the Viceroy for not agreeing with his views. Numerous remonstrances have been addressed to the Throne, and to the northern Viceroys, Yuan Shih-kai, Chang Chih-tung, and Chou Fu, and the Throne has ordered the two latter to send their best men to Canton to investigate the matter, and report. The following extract from the Canton correspondence of the "Hongkong Daily Press," referring to a telegram sent by the ex-Viceroy of Min-Chê, on behalf of Kuangtung gentry, to Viceroy Yuan Shih-kai, will show the feeling prevalent in Canton: "Ex-Viceroy Hsü Ying-k'uei, on behalf of the Kuangtung gentry, has addressed another telegram to Viceroy Yuan Shih-kai, denouncing Viceroy Ts'ên as 'pertinacious and tyrannical,' treating the laws with contempt, and embroiling the people The whole province is 'bubbling with revolt, which encourages bandits and robbers. A rising of ten thousand angry people is possible, and other provinces may be involved in such a calamity. . . . All Canton is shaking. Every day that Viceroy Ts'ên is allowed to remain, the situation will grow worse."

We have written so fully, because foreigners are seriously interested. A rising against the Viceroy in Canton will be disastrous to foreigners on Shameen and to foreign commerce; and the Viceroy has so completely turned his back on his former friendliness to foreigners that his present obduracy may have to be forcibly corrected. His remaining in power at Canton is impossible. It is reported in the south that the Viceroy is going with his family to Japan as soon as he can get leave.

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APR 7 1906
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APR 2
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INDEX BUREAU
REC'D.
APR 2 1906
DEPT. OF STATE

ASSISTANT SECRETARY,
APR 3 1906

No. 236. February 23, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

"The Canton-Hankow Railway". Enclosing clipping from the "Peking & Tientsin Times, Tientsin, of February 22nd, 1906.

INDEX BUREAU
APR 9 1906
FILED

AMERICAN LEGATION,
PEKING, CHINA.

No. 236.
R.

February 23, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

1/ I have the honor to enclose herewith for the information of the Department a clipping from the Peking and Tientsin Times of the 22nd instant, stating that a popular Subscription has been started among the Chinese to raise funds for the building of the Canton-Hankow Railway, thus taking the controlling interest of the enterprise out of the hands of the Viceroy and the officials.

I have reason to believe that this article correctly represents the facts of the situation.

I have the honor to be, Sir,
Your obedient servant,

W. W. Rockhill

Enclosure:

Clipping from "Peking & Tientsin Times", Tientsin, February 22, 1906. (The Canton Hankow Railway)

Encl. in Des. #236.

From the "Peking & Tientsin Times" February 22, '06.

The Canton-Hankow Railway.

Vigorous Measures at Last.

The unwise action of the Canton Viceroy in attempting to impose additional taxes on the people with a view to raising funds for the Canton-Hankow railway, and the arrest of Lai Kwok-kim because he opposed the scheme, have apparently roused the Cantonese into activity and it appears that something at last is to be done.

The native report says that more than ten thousand people gathered to discuss the situation, though probably that is another way of saying that the gathering was a large one. The conclusions to which they arrived were five.

First of all they are determined that no interference shall take from the people the control of the line. It was pointed out that last year the line was redeemed from the hands of the Americans and now the people or their representatives are quite as determined that the officials shall have no lien upon it and no hand in the management. It would appear therefore as if Viceroy Shum in furthering the desires of the people to get the line back from the Americans has now to see the fruit of his endeavour ripening quite otherwise than as he wished and probably anticipated.

Secondly, the people see that if the officials raise the funds they will control the railway, and all the profits will go into their capacious pockets. The line is regarded as the most promising of the whole of the railways projected in China, and foreign opinion is quoted to substantiate the assertion that the dividends will be large. Thus the people are urged to curtail their personal expenditure even to the extent of what they spend in food in order to have a share in the railway.

The third decision is that the line shall be for the Kwangtungites. This is "China for the Chinese" with a vengeance. It is suggested that the shares shall be allotted to three classes. One third shall be for the people of Canton. One third for the Cantonese who live abroad. The last third shall be for the Cantonese who are doing business in other parts of the Chinese empire. Each share shall be worth $5 and one half shall be called in this year and the remainder shall be paid up next year. (Five days are allowed for the first applicants to get the shares, and those who want them are urged to give in their names at once.)

Fourthly, it is thought that the representatives of the Seventy-two Hongs which are famous in Canton business life, as well as those from the Shin Tongs, should meet at once and arrange matters. (A notification will also be sent to all the Cantonese in the other provinces of China as well as to those who reside abroad. This message will be sent by telegram.)

Lastly all who may have any shares shall have an opportunity at the public meetings for discussing the Company's interests. Those, however, who shall buy twenty thousand dollars' worth of shares shall be regarded as Directors. Those who are the possessors of ten thousand shares shall be assistant Directors. (But at all meetings of the shareholders here shall be public discussion, and all interested shall be put in possession of all facts that are available and shall be allowed to express opinion.

The leading spirits are already looking out for a bank with which to do the business that is before them.)

The report says that as soon as it was decided that the Company should be worked along these lines there was no lack of those who were anxious to secure shares. (The superintendent of the Salt Monopoly took up not less than $*50,000 worth of shares. Wong Chin-ping and Le Kwan-shek each secured $100,000 worth. Moreover the writer who reports the rush says that even the man in the street, such as the chair bearer and the ordinary workmen is securing a share or two. Though they cannot write their own names they are getting others to sign for them.

It is impossible to reproduce all the article's but therefrom it appears as if a new life has been given to the enterprise, and as if Shum's wild attempt to force the Cantonese to pay additional taxes, and then the arrest of Lai, have stirred the people to activity.—*China Mail.*

From China

Feb 23, 1906

BUREAU OF APPOINTMENTS
FEB 24 1906
Department of State.

RECEIVED
MAR 2 1906
DIPLOMATIC BUR. DEPT. STATE

TELEGRAM RECEIVED IN CIPHER.

From Peking

Received February 24, 1906.

9:16 A. M.

Secretary of State,

Washington.

February 24, 5 P. M. Your telegram received. I fully instructed Consul at Nanking November 6th on lines your telegram received November 5th. Chinese authorities then conciliatory, Standard Oil also. Consul assured me, November 27th, was carrying out instructions with prospect success. I will take up question again at once but suggest Company try to do something jointly with Consul at Nanking, although Company objects to him as weak and not presenting their side of the question.

ROCKHILL.

INDEX BUREAU
MAR 9 1906
FILED

S. H. Q.

Consular Service

MEMORANDUM.

Examiner + Bur
of Letters Council has
presented S. O's side
proposals. There is nothing we
can do, & when Dept is has with
Then to Rep. Bureau
who, MR Bacon says,
may edit + send
report to S. O. Co.
Copy & deposited No. 13 Dec 3/05
Sent to
Standard
Mfg Co
S.F.C.

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4
1906
DIPLOMATIC BUR. DEPT. OF STATE.

ASSISTANT SECRETARY,
APR 3 1906

CHIEF CLERK
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No. 237. February 24, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Defense of the north-west frontier of China. Enclosing clipping from the Peking and Tientsin Times of February 20, 1906.

INDEX BUREAU
APR 9 1906
FILED

AMERICAN LEGATION,
PEKING, CHINA.

No. 237.
W.

February 24, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D. C.

Sir:-

I have the honor to inclose a clipping from the Peking and Tientsin Times, of Tientsin, of the 20 inst. giving the substance of a recent memorial submitted by the Foreign Office and the Board of Revenue, proposing a budget of Tls.2,500,000, to be expended during the present year chiefly for the defence of the north-western frontier.

I have the honor to be, Sir,
Your obedient servant,

W. W. Rockhill

Enclosure:
Clipping from the Peking and Tientsin Times of February 20, 1906.

Enclosure in Despatch, No. 237.

From the Peking and Tientsin Times of Feb. 20, 1906.

For the Frontier Defence.

The Wai Wu Pu and the Board of Revenue have submitted a memorial passing a Budget for the North-Eastern Frontier for the 32nd year of Kuang Hsü. The principal sum is 2,000,000 taels, to which is added a supplementary sum of 500,000 taels, which is allotted to the account of the new indemnity. The sum is to be raised from the Provinces as follows :—

	Principle sum.	Supplementary sum.
	taels.	taels.
Shantung Land tax, ...	120,000	24,000
Shansi „	100,000	20,000
Chêkiang „	80,000	16,000
Kiangsi „	50,000	10,000
Anhui „	100,000	20,000
Kiangsu Likin, ...	80,000	16,000
Kiangsi „	80,000	16,000
Chêkiang „	80,000	16,000
Anhui „	50,000	10,000
Hunan „	80,000	16,000
Hupei „	80,000	16,000
Fukien „	80,000	16,000
Shanghai Customs 6/10 Foreign Import duty,	100,000	20,000
Hankow Customs 6/10 Foreign Import duty,	100,000	20,000
Kuei Kuan Native Customs duty, ...	40,000	8,000
Hupei Tribute Rice Equivalent, ...	40,000	8,000
Foochow Customs, ...	100,000	20,000
Hupei Grain Treasury,...	40,000	8,000
Szechuan Salt-tax,.....	150,000	30,000
Lianghuai „	120,000	24,000
Szechuan Official Allowance,.....	80,000	16,000
Shantung Grain Intendent Treasury,.....	50,000	10,000
Kuangtung Likin,.....	80,000	16,000
Canton Customs 6/10 Foreign Import duty,	120,000	24,000
All Customs Gain by Exchange, ...	100'000	
Taels...	2,000,000	500,000

The principle sum must be remitted to the Board and the supplementary sum to the Shanghai Customs Superintendent in due time, or the officials concerned will be severely impeached.

Imperial Rescript : Let it be as proposed.

INDEX BUREAU RECD. APR 2 1906 DEPT. OF STATE

ASSISTANT SECRETARY, APR 3 1906

RECEIVED APR 3 1906 DIPLOMATIC BUR. DEPT. OF STATE

CHIEF CLERK APR 2 1906 DEPARTMENT OF STATE.

No. 238. February 26, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

The general situation in China. Referring to the reports received from the United States of open hostility and danger of uprising .

INDEX BUREAU APR 23 1906 FILED

AMERICAN LEGATION,
PEKING, CHINA.

No. 238.
R.

February 26, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

Within the last month or six weeks the most disquieting reports have been received here from the United States on the condition of affairs in China. A general uprising, presumably supported by the Government, and the massacre of all foreigners, are said to be imminent, and the Chinese people is said to be more openly hostile to foreigners than ever before.

I have been asked by my Colleagues, by some of our Consuls, by newspaper correspondents and by residents in the interior if there was any liklihood of an outbreak, as reported in American papers; to which I have said that there was not. I therefore deem it advisable to submit to you my views of the general situation in China.

That there is a strong and rapidly growing desire in China among all classes for independence from foreign control and exploitation there is no doubt. This spirit, born of the events of 1900, has been strongly stimulated by the successes of Japan and is rapidly spreading through the increased intercourse with foreign nations resulting from the large number of Chinese students in Japan and elsewhere, as well as by the influence of the new-born

native press, which now reaches to every part of the country and is creating a sentiment of national solidarity among the people.

(I have in previous despatches called the attention of the Department to this new epoch in Chinese national life and to its probable immediate results.) It is, in a sense, anti-foreign, but is not of a nature which will lead to open, organized and violent hostility to foreigners, especially on the part or with the support or sympathy of the Government, as in 1900. The success of the present anti-foreign movement in China depends mainly on peace.

The Chinese Government is now irrevocably committed to a vast scheme of national progressive reform. (Its very existence depends on the early adoption of improved methods in the administration and in the material development of the country.) In the success of the innovations it is now introducing it sees the only possibility of strengthening its rule and of resisting the incessant encroachments of foreigners, while giving a greater degree of material prosperity to the people, who think that all the wealth of China is passing into the hands of foreigners through the railways and the few mines which have been opened, and who long for the fabulous millions which they imagine are being taken out of and away from the country. To carry out its plans it is essential to the Government that it should be on terms of amity with all foreign nations; any semblance of hostility toward them which might precipitate new interference by foreign powers, especially the sending of new expeditionary forces to China and the in-

definite occupation of its territory, would be disastrous to its policy. The army which is now being rapidly formed in this Province, and the measures adopted to form similar ones in Central and Southern China, are essentially for the purpose of insuring order within the country so that no pretext can exist either for the present limited occupation by foreign forces or for future foreign intervention, which would entail loss of prestige and power to the Government.

The Empress Dowager and the most powerful of the provincial authorities, especially the Viceroy of this Province, Yuan Shih-kai, and that of the Hu-kuang, Chang Chih-tung, are the prime movers in the present policy of the Government; it is inconceivable that they should allow anything to happen which would impede its progress, and with the forces at their command they can stop any movement hostile to it.

Even the sudden death of the Empress Dowager, which would precipitate a very serious situation in view of the Emperor's feeble health and his having no heir, would not, I think, occasion a marked change in the present policy, though it might occasion a palace revolution and subsequent outbreaks in various parts of the Empire.

The new student party, a section of which bids fair to emulate the soshi of Japan of some years ago who took all politics to be their province, though striving by all means at its command to secure greater independence for China with a corresponding restriction of the rights and privileges of foreigners, is not otherwise anti-foreign. Peace is essential to it also, and to the furtherance of its schemes.

All these forces, and probably many others, are making for peace in China; and all parties are at the same time groping their way, realizing the weakness of the country - judged now by modern standards and no longer by exclusively Chinese ones - hesitating to cope with the new problems springing up, because of the lack of knowledge of the conditions of modern life, of the new forces which they feel are moving them but of which they have only the vaguest ideas how to direct and control. For the time being their only object would seem to be to take back from foreigners every privilege to which they are not entitled, every concession which can be cancelled; to remove them from every post which Chinese can fill. When thus they have once made a tabula rasa they think, apparently, that they can take up the great work unhampered, with China once more in the hands of the Chinese.

It seems to be thought abroad that the Boxer uprising five years ago portends similar events in the near future, for the same rumors which were heard and unheeded in 1900 seem to be beginning again to spread abroad; but the situation is totally different now. The Boxer uprising would never have spread had it not had the support or at least the sympathy of the Government; the experience which the latter then bought so dearly has demonstrated to it the necessity of carrying out its reforms by purely peaceful methods and to refuse its support to any party or movement which can bring it into hostility with one or other of the powers.

The only one of our Consuls who has, since my arrival in Peking, reported to the Legation a fear of serious trouble

has been Mr. Lay from Canton. Some of the others have reported a certain amount of friction with the local authorities; this generally has been caused by the officials' disinclination or fear to adopt too stringent measures to suppress the manifestations of the would-be boycotters or to check in other ways the aggressive new-born spirit of independence and solidarity of the people, which is the more evident because of its recent birth and its heretofore complete absence.

It is true that within the last few months there have been a few missionary outrages at localities quite distant the one from the other: At Lienchou, in Kuangtung, in October; at Chang-pu, in Fukien near Amoy, a few weeks ago; and within the last few days in the south-eastern part of Honan. In the last two cases no American interests suffered or were imperiled. But the direct causes of these riots and murders were purely local, such as yearly excite the ignorant populace in various parts of the Empire to attack foreign mission stations and frequently, to murder missionaries. It may be that, in the case of Lienchou, the populace, seeing in the boycott evidence of a feeling of hostility toward us among all classes of Chinese society, was encouraged to perpetrate the outrage. But even this is now doubtful to me, since the report of the Commission which you sent to Lienchou to investigate the case shows pretty conclusively that the attack upon and killing of our countrymen was unpremeditated.

The recent riot at Shanghai was directly brought about by the pernicious and impolitic activity of the Municipal Council of the International Settlement, which forced an

omit the

issue on the local Chinese officials at this most unfortunate moment when the Chinese are full of their new-born patriotism. | omit the

For the reasons given above, and for others which it would be possible to adduce, I do not believe in the likelihood, let alone the imminence, of possible outbreak against us, or against foreigners generally. I have not failed, however, to seek on every occasion ~~seek~~ the opinions of my Colleagues on the general situation, and to learn from them whether they were in possession of facts of a disquieting nature. I have not found that any one of them is apprehensive, while all seem wide awake to the necessity for constant caution and watchfulness. Within the last few days I have conferred with the British, French, German, Japanese and Italian Ministers, as being those most likely, from the numbers of their countrymen living in the country, to be best informed on the feelings of foreigners living in the provinces. All declared that they saw no sign in any quarter for apprehension, nor had any received reports from their consular representatives (with the single exception of the British Consul General at Hankow, who thought general conditions in China were bad) of an alarming or even anxious nature.

The Japanese Minister told me that within the last week Mr. Kato, the Minister for Foreign Affairs, had said to the Chinese Minister at Tokyo that he should strongly advise his Government to have every official of the Empire use his best efforts to suppress any manifestation of anti-foreign feel-

ing in word or deed. Mr. Kato added that he made this suggestion on account of the disquieting reports coming from America as to the situation in China, although the Japanese Government did not attach any importance to them, and knew nothing to confirm them. The Japanese Minister here was instructed to repeat to the Prince of Ch'ing what had been said to the Chinese Minister at Tokyo. The Prince in reply stated that the Chinese Government is fully alive to the absolute necessity of maintaining the most amicable relations with all the world, and would take every measure necessary to attain that end.

After having seen my Colleagues with the above results, I telegraphed to you as follows: *

"Secstate:

Washington.

February 22, 5 P.M. Reports published here of great uneasiness in the United States concerning the situation in China. I have conferred with all my colleagues none of us see any cause for undue apprehension while considering caution and watchfulness always necessary. Missionary troubles no more common than usual. All, including Shanghai fracas, due to local causes. Only pronounced general feeling noticeable is the determination of the Chinese to secure entire economic exploitation of their Empire. The Government of China is alive importance of preventing hostility toward foreigners. Formally cautioned recently by Japan to do so. Chinese Government declared its determination to do so on all occasions. Period. Boycott may con-

* Supra.

tinue with local friction and irritation but to all here it seems highly improbable anything more serious likely to occur in near future. None of our consuls or of the other nationalities report undue apprehension.

Rockhill."

As stated above, the most serious apprehensions of the anti-foreign feeling culminating in open hostility, has been reported by our Consul General in Canton, but even in Kuangtung Province I believe that the rapidly growing general dissatisfaction of the people with the Governor General's administrative measures has much to do with the feeling of insecurity and unrest felt by Chinese and foreigners alike in Kuangtung. Of course the Chinese in the United States and the Straits Settlements, nearly all of whom come from this province, have encouraged by words and large amounts of money the present boycott movement; but it is not likely that they would have had the success they have had, had not the people, who are of a very excitable and captious nature, been dissatisfied with the Viceroy's rule. The anti-foreign feeling in the province of Kuangtung is only one feature of the general dissatisfaction and is not at all likely to extend beyond it. Change in the Government of this province would probably promptly bring about a general improvement in conditions.

As I am writing the Consul General at Shanghai telegraphs that on the 25th instant another massacre of foreign missionaries has taken place at Nan-chang Fu, on the ~~Yangtse~~ Kan River South of Kiu Kiang ~~and Nanking~~. The details he gives on the cause of this massacre, though meagre, are sufficient to show that it was purely local and can in no way be attributed to

a general movement.

I enclose herewith an editorial from the leading British newspaper of Shanghai, the organ of the Municipal Council of the International Settlement of Shanghai, and at present, at all events, likely to exaggerate conditions unfavorable to China and its Government in its desire to support the Council's present policy of independence from China. I also enclose a clipping from the native press of Shanghai which is published in translation in the same paper, giving a Chinese view of the condition of affairs in China.

omit the

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1. "The American Alarm", North China Daily News, Shanghai, February 19, 1906.
2. "Notes on Native Affairs", North China Daily News, Shanghai, February 21, 1906.

1

Enclosure No. 1 in Despatch No. 238.

LEGATION OF THE UNITED STATES OF AMERICA,
PEKING, CHINA.

North-China Daily News.

IMPARTIAL NOT NEUTRAL.

SHANGHAI, 19TH FEBRUARY 1906.

THE AMERICAN ALARM.

PEOPLE in Shanghai and North China, we may say indeed in all the foreign communities in China, are much exercised by telegrams stating that the United States Government is contemplating the dispatch of reinforcements to Manila, so that they may be ready, when required, to protect American interests in China. There is no alarm at the moment among foreigners generally in China; but on the other hand, President Roosevelt Mr. Root, Secretary of State, and Mr. Taft, Secretary for War, are not the men to be frighted by false fires, and we can only suppose that information has reached them which is not generally known in China among foreigners. The dispatch of American troops and of two American cruisers, the anxious questions that have been addressed by telegraph to the American missionary boards in China, show that the feeling of alarm is wide-spread in America. The report of the riot of the 18th of December here was very much exaggerated in the American Press, and some of the telegrams sent from here seem to have added the entirely unfounded story that it was principally directed against the American community; but we can be quite sure that the American Government has not been influenced by such stories. It is very unlikely that the American Minister at Peking, Mr. Rockhill, is responsible for the alarm at Washington, for he has been foremost in urging the withdrawal of the foreign garrisons from Peking and Tientsin, and no one would charge him with being anti-Chinese in spirit.

It is contended that the boycott of American trade, which is being maintained in South China with the connivance, if not with the active assistance, of Viceroy Ts'ên, is strictly an act of war, being of the nature of a blockade, and that its maintenance logically compels the U. S. Government to assume a warlike attitude in reply. Great Britain has gone to war with China in the past to protect her trade, and Americans would be perfectly justified in taking serious steps to force the Peking Government to suppress the boycott. Viceroy Yuan has suppressed it in the north; if Viceroy Ts'ên will not suppress it in the south, America has a perfect right to call upon the Government to replace him by an official who will carry out the orders of the Throne. The trouble is that what we understand by a Government, with a will of its own and the power to enforce its will, does not exist in China. There are undoubtedly strong disruptive forces at work in China under the surface, especially in the south; and the American Government may well think that where there are these disruptive forces at work, with no real Government to control them, a crisis may arise at any moment, demanding the intervention of an armed force for the protection of foreign lives and property. One reads in the papers of the day of China's new foreign-drilled army, the forty thousand men whose operations in the late manœuvres excited so much admiration among the foreign spectators; but the writers in these papers forget that these forty thousand men are only nominally the army of the Chinese Government; they are really H. E. Yuan Shih-kai's army, and no one knows what course H. E. Yuan Shih-kai would take in the event of the disruptive forces to which we have alluded breaking out openly.

That the success of Japan has greatly increased the anti-foreign feeling among the officials and the educated classes in China is daily evident, and this result is as much regretted by Japan as by the Western Powers generally; but all evidence goes to show that in northern and central China, at any rate, there is no increase of anti-

foreign feeling among the masses. We have acknowledged more than once the malign influence of the half-educated students in the country, and we have endeavoured to warn the Government that that influence is anti-dynastic as well as anti-foreign; but dangerous as this influence may become, if it is unchecked, we do not think it has gone very deep at present. All these considerations may have tended to persuade President Roosevelt that it is prudent to have American troops nearer China than San Francisco. There is also a suggestion, which may be mentioned, that the Philippines themselves are not so thoroughly pacified as Secretary Taft has led people to believe, and that the unrest in China is really an excuse to send more troops to Manila, but we do not dwell on this solution.

There is yet another suggestion. It is well known that the Chinese who have settled in America, Australia, the Straits, and elsewhere are full of patriotism, and readily subscribe to funds raised for patriotic purposes. But their love of their country is joined to an unreasoning hatred of the Manchu dynasty; we say unreasoning, because to most foreigners it appears that there is little to choose between Manchu and Chinese officials, except in name. The most active of the Chinese reformers who have been exiled from China are bitterly opposed to the Manchus and they have established a strong influence over the Chinese in America; and it is quite possible that the American Government has discovered at San Francisco evidence of an intended anti-dynastic outbreak in China in the near future, which would seriously endanger the lives and property of foreigners. It is known that those who would overthrow the present dynasty would embroil it with foreigners as one of their means to the end at which they aim. What is certain is, that when the American Government takes alarm, it is full time for other Governments to set their Intelligence Departments at work, and for all foreigners to keep a sharp look-out and not be taken unawares. Great Britain, of course, relies on Japan, but we can understand other Powers who are not allied with Japan preferring to trust to their own troop..

Enclosure No. 2 in Despatch No. 238.

LEGATION OF THE UNITED STATES OF AMERICA,
PEKING, CHINA.

MCN. 2/2.06

NOTES ON NATIVE AFFAIRS.

No Cause for Alarm.

The news transmitted by Reuter that the American Government fear internal troubles in China this year and are therefore preparing for such an emergency is ridiculed in all well-informed Chinese circles whether official or mercantile. So far as can be seen the only internal troubles that need be feared in this country will be of a local nature, such as anti-Christian outbreaks, which cannot spread beyond the hsien, or district originating such outbreaks. Any national disorders are considered improbable. True, the extreme end of the so called Reform Party, headed by such theorists as Kang Yü wei, Liang Chi-chao, Dr. Sun Yat-sen, and the like, have been trying to foment an anti dynastic revolution in China by means of the aid which they hope to procure from the Chinese in the United States, Australia, and islands of the Pacific and Indian Ocean, who are being inflamed against the present dynasty by these so-called Reformers, and their emissaries. Indeed, certain adventurous foreigners have even been engaged to act as officers and instructors of the proposed Revolutionary Army; but it will be found that, when put to the test, these anti-idynastic intriguants will show themselves too fond of their own precious bodies to put themselves into the least danger, for as good disciples of Confucius "to be filial sons" they dare not do anything to disfigure the symmetry of their persons, which have been given them by their parents, and shorten their usual height by a head, or give pain to their valuable carcasses, "because these carcasses were transmitted them by their fathers and mothers, and to pain them would be to pain their parents." Such being the case, it will only be those who are foolhardy enough to be the ignorant instruments of the so-called Reformers who will suffer, if ever any attempts be made to put matters to the test on Chinese soil. They will find that the country is quite satisfied with its present rulers and that those who have a true desire to bring about their country's progress—and they really, are legion—are anxions to do so gradually, by educating the masses; in fact, to create a strong and wealthy and progressive Empire not by revolution but by evolution. Outsiders will soon enough see—we are writing from a full knowledge of facts—if any attempts are made to disturb the status quo that those desiring a change of dynasty are only a mere drop in the ocean of humanity which peoples this Empire of the Dragon flag.

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CHIEF CLERK
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OF STATE.

D. of for War Dept

To War Dept April 5th C.

No. 239. February 27, 1906.

Sent seriously April 9 Regt C

Mr. Rockhill to the Secretary of State.

Subject:

The withdrawal of foreign troops, under the terms of Article IX of the Final Protocol of September 7, 1901.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 239.
R.

February 27, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to inform you that a meeting of the Diplomatic Representatives of the Powers which have troops stationed between this city and Shan-hai-kwan under the terms of Article IX of the Final Protocol of September 7, 1901, was held at the German Legation about a week ago to endeavor to agree to a time limit for the withdrawal of part of these forces.

While the representatives of the Powers interested (France, Germany, Great Britain, Japan, Italy and Russia) were able to agree in principle to the withdrawal of the troops along the line of railway, except from Tientsin, they failed to agree as to the date by which it should be done. A term of three months was suggested, but it was found necessary by some of the Ministers to refer to their governments for instructions; also to consult them about leaving at some of the points evacuated - Tangku and Shan-hai-kwan especially - a few men to take care of the barracks and other governmental property at those points.

The British Minister announced that his Government would hand over to the Chinese authorities all buildings

No. 839.

February 27, 1920.

it had erected at points occupied by its troops, without asking any payment for them. The German authorities have been, I understand, endeavoring to sell to the Chinese; but I fancy that they, and probably the other Powers, will not be outdone by the British Government in its seeming liberality.

The German Minister has told me that whether an agreement is reached or not his troops will be withdrawn in the early part of April. The international garrison at Tientsin will be maintained at approximately its present force.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

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No. 240. February 28, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Acknowledging Department Instruction No. 82 regarding a Consulate for Chinanfu.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 240.
C.

February 28, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to acknowledge the receipt of your Instruction No. 82 of December 30th, informing me that, as the Department has asked Congress for an appropriation of $3,500 for a Consulate at Chinanfu, no step will be taken at present to find some one to take the place of Mr. W.B.Hamilton as Agent.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

DIPLOMATIC BUR. DEPT. OF STATE. APR 4 1906

CHIEF CLERK APR 2 1906 DEPARTMENT OF STATE.

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ASSISTANT SECRETARY, APR 3 1906

Take penalty, April 7 J. J. A. Moore, April 7. C.

No. 241. February 28, 1906.

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Mr. Rockhill to the Secretary of State.

Subject:

Reuben Hitchcock Morley. Enclosing letter from Foreign Office dated February 21, 1906.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 241.
C.

February 28, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to acknowledge the receipt of Department Instruction No. 85 of January 2nd, with regard to the disappearance of Reuben Hitchcock Morley, and to refer to my No. 217 of February 8th giving such information as I have been able to gather. Continuing the latter I now enclose a copy of a further report from the Foreign Office, which, I regret to say, does not add materially to our knowledge. The reply from the Catholic Bishop of Jehol has not yet been received.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:

Prince of Ch'ing to Mr. Rockhill, February 21, 1906.

Enclosure in No. 241.

From F.O. No.

H.

Prince of Ch'ing to Mr. Rockhill.

(Translation)

Foreign Office,

February 21, 1906.

Your Excellency:

On January 4th of the present year I had the honor to receive a note from Your Excellency asking for information as to the whereabouts of an American citizen named Ma-li (Reuben H. Morley). Upon receipt of this note my Board immediately communicated with the Tartar General in Manchuria and the Lieutenant General in Jehol, and replied also to your note, as the records show. With regard to this matter I have just received a letter from the authorities at Jehol, which reads as follows:-

"On July 23rd of last year an American with the Chinese name of "Mao-lai" came to the Bureau of Foreign Affairs here. He said that on that same day when leaving the inn he had put his passport in his saddle bag but in some way for which he could not account, he had lost it. He said he was going to write out some notices which he asked us to have put into Chinese for him that he might post them up. Then if the passport could not be found he would telegraph to the American Legation in Peking and ask that a new one be forwarded to him. Two days after that (July 25th,) he sent a letter to the same effect to me. Upon investigation I find that this man came here on the 17th of July, and went to the Pao-yuen Inn. At that time he had not presented his passport for visa so when he went to the Bureau of Foreign Affairs and said his passport had been lost, we had no means of telling whether this was true or not. Later, on August 9th, it was reported that he had left the inn and returned to Peking. Investigation of the records shows that the only American who came to Jehol in the 6th Moon, was this man whose Chinese name was Mao-lai. There was no one who had the Chinese name of Ma-li, but as the sound of the two is much the same, and there is also the matter of the lost passport, I have not only ordered the officials in my district to investigate the matter carefully and report, but have also had a copy made of the Chinese translation of the letter he wrote, which copy I enclose herein".

Having received ~~the above~~ reply from the Lieutenant General at Jehol, I have, as in duty bound, had a copy made of

Instance in Mr. [illegible]

the letter referred to therein, and I send it herewith for Your Excellency's information, at the same time taking the opportunity to wish you the compliments of the season.

Cards of Prince and Ministers enclosed.

the latter referred to therein, and I send it herewith for
Your Excellency's information, at the same time taking the
opportunity to wish You the compliments of the season.

Cards of Prince and Minister enclosed.

Enclosure in F.O. No.

H.

Reuben H. Morley to the Bureau of Foreign Affairs, Jehol.

(copy)

To the Military Authorities,

Jehol.

Gentlemen:

I regret exceedingly that I cannot write you a letter in Chinese, but I have been informed by some of your number that you have both English and French Interpreters, and I must respectfully request that they translate this for me.

I have a favor to ask which I beg that you will grant, namely, that your Interpreters will assist me in getting back an envelope containing a passport translated both into the Chinese and Mongolian languages, and some Chinese visiting cards, by making and posting reward notices offering a reward of ten taels. The facts in the case are these:- I went riding yesterday morning early, carrying my passport in a canvas saddle bag. It was my intention to go to your office to present my passport for visa, but it was either lost or stolen while I was on my way. Whether ~~or~~ lost or stolen, I think it must have disappeared between the inn where I was stopping and the yamen, on the street where I stopped my horse at various places. The envelop contained not only my passport, forwarded from the American Legation in Peking, but also a translation in Mongolian, given to me by an official at Lama Miao, named Wang. It also contained some of my Chinese cards. I carried a bag on one side of my saddle only. I dismounted twice and

Enclosure in F.O. No.

H.

Reuben E. Morley to the Bureau of Foreign Affairs, Tehol.

(copy)

To the Military Authorities,

Tehol.

Gentlemen:

I regret exceedingly that I cannot write you a letter in Chinese, but I have been informed by some of your number that you have both English and French Interpreters, and I must respectfully request that they translate this for me.

I have a favor to ask which I beg that you will grant, namely, that your Interpreters will assist me in getting back an envelope containing a passport translated both into the Chinese and Mongolian languages, and some Chinese visiting cards by making and posting reward notices offering a reward of ten taels. The facts in the case are these:- I went riding yesterday morning early, carrying my passport in a canvas saddle bag. It was my intention to go to your office to present my passport for visa, but it was either lost or stolen while I was on my way. Whether or lost or stolen, I think it must have disappeared between the inn where I was stopping and the yamen, on the street where I stopped my horse at various places. The envelop contained not only my passport, forwarded from the American Legation in Peking, but also a translation in Mongolian, given to me by an official at Lama Miao, named Wang. It also contained some of my Chinese cards. I carried a bag on one side of my saddle only. I dismounted twice and

went into shops to buy some things, and at those times crowds surrounded my horse. I suspect that the envelope was taken by someone in one of these crowds. I propose that notices be posted to the effect that I will gladly pay ten taels for the return of the passport, no matter whether it was found or stolen; moreover, no questions will be asked as to how the bearer came into possession of it.

If your Interpreters will kindly prepare such notices for me I will be obliged to them and will be glad to pay them for their services. My passport had been visaed both by the authorities at Lama Miao and the Magistrate at Feng-ning Hsien.

If it cannot be found I beg that you will permit me to telegraph to the American Minister at Peking, Mr. Rockhill, that I may explain to him the matter of the lost passport, for if it has fallen into other hands than mine it may be put to improper use, and that would place me in an embarrassing position.

Very respectfully yours,

(Signed) Reuben H. Morley.

went into shops to buy some things, and at those times crowds surrounded my horse. I suspect that the envelope was taken by someone in one of these crowds. I propose that notices be posted to the effect that I will gladly pay ten taels for the return of the passport, no matter whether it was found or stolen; moreover, no questions will be asked as to how the passport came into possession of it.

If your Interpreters will kindly prepare such notices for me I will be obliged to them and will be glad to pay them for their services. My passport has been visaed both by the authorities at Tatsu Nlao and the Magistrate at Yang-ning Hsien.

If it cannot be found I beg that you will permit me to telegraph to the American Minister at Peking, Mr. Peckhill, that I may explain to him the matter of the lost passport, for if it has fallen into other hands than mine it may be put to improper use, and that would place me in an embarrassing position.

Very respectfully yours,

(Signed) Reuben H. Morley.

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ASSISTANT SECRETARY, APR 3 1906

CHIEF CLERK APR 2 1906 DEPARTMENT OF STATE.

No. 242. February 28, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Industrial Exhibition to be held by the Japanese at Mukden. Enclosing clipping from the China Times of February 27th, 1906.

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AMERICAN LEGATION,
PEKING, CHINA.

No. 242.
R.

February 28, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to transmit herewith for your information a notice of an industrial exposition which the Japanese intend to hold at Mukden within a few months for the object of promoting the sale of Japanese goods. * * *

All other nationalities are of course excluded from participating in this exposition by the present policy of the Japanese Government, which refuses to allow foreigners to go to, let alone reside in Mukden, while encouraging the movement of its own merchants and traders to that city and other localities in Manchuria. The advantages Japanese commerce and industry will derive from this enterprise will unquestionably be very great.

I sincerely hope that before it is opened our Consul General at Mukden may be allowed to proceed to his post so that at least we can secure reports on the exhibition and its probable results.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosure:
Mukden Exhibition, China Times, Tientsin, 2/27/06.

Enclosure in No. 242.

LEGATION OF THE UNITED STATES OF AMERICA,
PEKING, CHINA.

From China Times, of Tientsin 27th February 1906.

Mukden Exhibition.

The Japanese authorities have published a prospectus of the industrial exhibition at Mukden in Fêng-tien Province this year. The exhibition will last three months from May 1 to July 31. It will be open every day. The aim of the exhibition is to promote the sale of Japanese goods and the improvement of commercial relations between Japan and China. The exhibits will be of the following descriptions :—(A) Land products ; (B) water products ; (C) machinery; (D). educational articles ; (E) agricultural products ; (F) miscellaneous merchandize. Those who wish to show goods must send in particulars to the Committee at Mukden before March 5. Only sound and good articles will be permitted to be placed on exhibition. The space of the exhibition is divided into sections, and a fee of 30 yen will be collected per section from all exhibitors in addition to 10 yen as brokerage ; both sums are to be paid to the committee in advance. The committee will also collect as brokerage fee one-tenth of the prices of all goods sold. Three kinds of medals will be awarded according to the quality of exhibits. The awards will be decided by the prize committee immediately after the conclusion of the exhibition.

China Times. 27.2.06

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No. 243. February 28, 1906.

Mr. Rockhill to the Secretary of State.

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Subject:

Attack made upon the residence of Dr. Beattie at Canton, on the night of February 3, 1906.

The Assistant Secretary.

ASSISTANT SECRETARY. April 3, 190 .

APR. 4 1906

Dear Mr. Adee:

I don't feel quite satisfied that we have done everything possible in this matter, although perhaps we are safe in leaving it to Rockhill.

APR -4 1906

R. B.

Dear Mr. Bacon:

Our note of the 2nd (now on its way) may be supplemented by a cordial approval of Mr. Rockhill's course & the question of indemnity to which the note of April 2 specifically refers, depends on the amount of plunder received, and the degree of culpable carelessness of the authorities. A.

AMERICAN LEGATION,
PEKING, CHINA.

No. 243
R.

February 28, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

The Consul General at Canton reported to this Legation under date of February 6, 1906, that the Rev. Dr. Beattie's home in the outskirts of Canton had been broken into by a band of thirty armed men on the night of February 3rd, the inmates bound and threatened with death, and the contents of the house looted. The police was only conspicuous by its absence.

I at once communicated the facts to the Wai-wu Pu in the enclosed note, and asked it to take prompt action.

I enclose herewith a copy of the reply which I have just received from the Prince of Ch'ing, which contains the report made to him by the Canton Viceroy on the matter.

I shall await advices from our Consul General at Canton, to whom I am sending a copy of the Prince's note, before taking any further action in the matter.

I have the honor to be, Sir,

Your obedient servant,

W. W. Rockhill

Enclosures:

1.

Enclosure No. 1 in Despatch No. 243.

To F.O. No. 98.

W. February 21, 1906.

Your Imperial Highness:-

I have the honor to call the attention of Your Imperial Highness to a gross outrage recently committed at Fati, just outside the gates of Canton.

I have just received a despatch from the American Consul General at Canton, saying that on the 3d. of February at 2, a.m.a band of robbers, consisting of not less than thirty Chinese, well armed with revolvers, crow-bars and other paraphernalia, and half of them carrying flaming torches, broke into the house of Dr.Andrew Beattie, an American missionary, on the island of Fati, south-west of Shameen, and separated from it by the Pearl River, seized Dr. Beattie and bound him hand and foot with wire, levelled their revolvers in his face and threatened him with death if he should give an alarm or refuse to disclose the place where his money was kept; threatened Mrs.Beattie and the children, so that no resistance could be made, and proceeded to loot the house. The servants had been seized, gagged and bound already, and, as no police appeared, their work

went

To His Imperial Highness, Prince of Ch'ing,
President of the Board of Foreign Affairs,
etc. etc. etc.

went on undisturbed. They carried off nearly everything that they could find in the way of money, jewelry, clothing and bedding, taking the bedding even from the beds in which the children were sleeping, the value of the plunder being altogether about $1,300. Before leaving they bound Dr. and Mrs.Beattie to a bed so that nothing might interfere with their escape.

This was a most daring outrage, as Your Highness will admit, and I must point out that it evidences most culpable negligence on the part of the local authorities in not providing ordinary police protection for the environs of Canton. If the Viceroy of the Two Kuang Provinces can not prevent such an occurrence at his very doors, it is not surprising that the lives and property of Americans are not safe from attack in other parts of his provinces.

I am informed by the American Consul General that police protection in Canton and vicinity is very inadequate; although there are guard boats on the river, they appear to be of very little use, as the men aboard of them are neither watchmen nor soldiers, and are quite inefficient. Armed bands about Canton are numerous and daily becoming bolder, and there has been a good deal of piracy and robbery within a few miles of Canton, though this is the first instance of such an attack by an armed band upon a foreigner.

Had there been any police on duty in the neighborhood they must have seen the torches carried by the robbers; they must have heard the noise made in opening the gates, or at least have heard the shouts for help made by

Dr.

Mr.

Dr. Beattie from his verandah before the band broke into the house. No help came, however, and the Magistrate of the District knew nothing of the occurrence until it was reported to him by the Consul General.

It becomes my duty, therefore, to request Your Imperial Highness to instruct the Viceroy of the Two Kuang Provinces to at once take measures to secure more adequate protection for American lives and property in his jurisdiction, and to make prompt and vigorous efforts to discover and punish the perpetrators of this outrage, lest lawless characters be emboldened to repeat the offense.

I must also ask Your Imperial Highness to have an investigation made to fix the responsibility for the neglect to provide proper police protection for the neighborhood, and to have the negligent officials removed.

I avail myself of the occasion to renew to Your Imperial Highness the assurance of my highest consideration.

Envoy Extraordinary and
Minister Plenipotentiary
of the United States.

Mr. Beattie from his verandah before the band broke into the house. No help came, however, and the Magistrate of the District knew nothing of the occurrence until it was reported to him by the Consul General.

It becomes my duty, therefore, to request Your Imperial Highness to instruct the Viceroy of the Two Huang Provinces to at once take measures to secure more adequate protection for American lives and property in his jurisdiction, and to make prompt and vigorous efforts to discover and punish the perpetrators of this outrage, lest lawless characters be emboldened to repeat the offense.

I must also ask Your Imperial Highness to have an investigation made to fix the responsibility for the neglect to provide proper police protection for the neighborhood, and to have the negligent officials removed.

I avail myself of the occasion to renew to Your Imperial Highness the assurance of my highest consideration.

Envoy Extraordinary and
Minister Plenipotentiary
of the United States.

Enclosure No. 2 in Despatch No. 243.

From E.O. No. 11
W.

Prince of Ch'ing to Mr. Rockhill.

(Translation)

February 27, 1906.

Your Excellency:

I have the honor to acknowledge the receipt of Your Excellency's despatch of the 21st inst. informing me that you had just received a despatch from the American Consul General at Canton saying that on the 3rd of February a band of over thirty robbers armed with weapons and carrying torches had forced an entrance into the house of an American missionary named Beattie, who lived just outside the walls of the city on the island of Fa-ti (hua-ti); that after binding Dr. Beattie, his wife, family, and servants, the robbers had stolen money, jewellery, clothing, etc. amounting in value to about $1300.00; would I therefore instruct the Viceroy of the Two Kuang Provinces to take measures at once to secure more adequate protection for American lives and property in his jurisdiction, and see to it also that the officials be removed who are responsible for the neglect to provide proper police protection for the neighborhood.

In reply I have the honor to state that upon receipt of Your Excellency's despatch my Board telegraphed to the Viceroy of the Liang Kuang Provinces, from whom the following reply has now been received:-

"With regard to the attack on Dr. Beattie, I have to state that the District Magistrate of P'an-yü Hsien was appointed by the Bureau of Foreign Affairs to make an investigation of the case in conjunction with the American Consul General. According to his report, the Canton authorities have apprehended four of the criminals, and found their

Enclosure No. 2 in Despatch No. 243.

From K.O. No. 11-
H.

Prince of Ch'ing to Mr. Hoskins.

(Translation)

February 27, 1900.

Your Excellency:

I have the honor to acknowledge the receipt of Your Excellency's despatch of the 21st inst. informing me that you had just received a despatch from the American Consul General at Canton saying that on the 3rd of February a band of over thirty robbers armed with weapons and carrying torches had forced an entrance into the house of an American missionary named Beattie, who lived just outside the walls of the city on the island of Pa-ti (Hua-ti); that after binding Mr. Beattie, his wife, family, and servants, the robbers had stolen money, jewellery, clothing, etc. amounting in value to about $1500.00; would I therefore instruct the Viceroy of the Two Kuang Provinces to take measures at once to secure more adequate protection for American lives and property in his jurisdiction, and see to it also that the officials be removed who are responsible for the neglect to provide proper police protection for the neighborhood.

In reply I have the honor to state that upon receipt of Your Excellency's despatch my Board telegraphed to the Viceroy of the Liang Kuang Provinces, from whom the following reply has now been received:-

"With regard to the attack on Dr. Beattie, I have to state that the District Magistrate of P'an-yü Hsien was appointed by the Bureau of Foreign Affairs to make an investigation of the case in conjunction with the American Consul General. According to his report, the Canton authorities have apprehended four of the criminals, and found their

booty, including pawn tickets etc. The place where Dr. Beattie lives is a newly built up section adjoining the river, and police protection had not yet been established. The attack on Dr. Beattie was owing to this fact, and is deeply to be regretted. I have already stationed some troops there to guard the place, and have given implicit instructions to them to afford efficient protection to the missionaries and their churches. The case has now been cleared up and the guilty parties arrested. The rest of the offenders are even now being searched for. It is inconvenient therefore, to make any change in the local officials."

It appears from this report that the guilty parties in the case have already been arrested, the booty found, and soldiers stationed at the place to give protection; so the local officials in dealing with the matter have left nothing undone. As in duty bound I send this despatch for Your Excellency's information.

A necessary despatch.

(SEAL)

booty, including pawn tickets etc. The place where Dr. Beattie lives is a newly built up section adjoining the river, and police protection had not yet been established. The attack on Dr. Beattie was owing to this fact, and is deeply to be regretted. I have already stationed some troops there to guard the place, and have given implicit instructions to them to afford efficient protection to the missionaries and their churches. The case has now been cleared up and the guilty parties arrested. The rest of the offenders are even now being searched for. It is inconvenient therefore, to make any change in the local officials."

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A necessary despatch.

(SEAL)

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Secretary of State. APR 23 1906
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Answ April 27

No. 244. February 28, 1906.

Mr. Rockhill to the Secretary of State.

Subject:

Enclosing clipping from Peking and Tientsin Times relating to admission of Chinese laborers to the United States.

INDEX BUREAU FILED MAY 8 1906

DEPARTMENT OF STATE,
WASHINGTON.

ASSISTANT SECRETARY,
APR 3 1906

April 2, 1906.

Memorandum for the Secretary:

Tang mentioned in this Despatch is the Tang Shao-yi, who was Customs Taotai at Tientsin until a short time ago (eighteen months), who was then sent to Tibet to negotiate with the British as to the Tibetan Treaty. He was then made Junior Vice-President of the Wai Wu Pu and was deputed by the Chinese Government to negotiate with Japan the evacuation of Manchuria. He is one of the American students, and speaks English perfectly. He is well known as one of the most extreme of the "China for the Chinese" party, is at heart deeply anti-foreign and notably resentful of America's attitude to the Chinese. He is a great friend of the Chinese Minister at Washington. His voice will be almost conclusive as to foreign affairs and it is to be noted that he is not in favor of a treaty.

Chas. Denby.

AMERICAN LEGATION,
PEKING, CHINA.

No. 244.
R.

February 28, 1906.

To the Honorable
Elihu Root,
Secretary of State,
Washington, D.C.

S i r :

I have the honor to enclose herewith what purports to be a translation of a letter from the editor of the Chung hua Pao, a Peking newspaper of considerable local influence, stating that he has been requested by the leader of the American boycott at Shanghai, Tseng Shao-ching, of whom I have had to make frequent mention to the Department in the past in connection with the boycott, to urge on the Wai-wu Pu that no treaty be concluded with the United States which does not provide for the admission of Chinese laborers to the United States.

In conversation the day before yesterday with Mr. Tang, Under Secretary of the Wai-wu Pu, he told me that he was not in favor of concluding any arrangement with the United States which did not give satisfaction to the people of China. He deemed it more dignified for China to wait till public opinion in America had time to shape itself and recognize the equity of China's demands, than to"patch up" - to use his own expression, a new treaty out of that of 1894, which would not satisfy eitherparty to it.

I said that I did not think this question at issue between the two countries was such an extraordinarily difficult

April 3, 1906

Secretary of State,
APR 23 1906

Dear Mr. Secretary:

Rockhill's suggestion in this despatch that the Chinese government should adopt a system of Passports, appeals strongly to me, as I have felt for a long time that a very much greater degree of responsibility should be put upon the Chinese foreign office, which would supplement, and eventually supersede, the work of inspection of the Department of Commerce and Labor.

WB.

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I said that I did not think this question at issue between the two countries was such an extraordinarily difficult

one to settle, as there was absolutely no discussion between them about the coming of laborers to the United States,- which his Government had not raised. I advocated as a first step on the part of China the adoption of a system of passports like that in use in our country and in most other countries of the world; passports to bear the seal of the Minister for Foreign Affairs, this seeming to me infinitely better than the present Chinese method of having such documents issued by a number of subordinate provincial authorities.

I have the honor to be, Sir,

Yourobedient servant,

W. W. Rockhill

Enclosures:

1. Extract from Peking & Tientsin Times, February 27th, 1906.

Peking & Tientsin Times. Feb. 2/06

LEGATION AMERICA,

Enclosure in Despatch No. 244.

P. & T. Times. 2/2.06

An Open Letter on the Exclusion Law.

The *Chung Hua Pao* publishes the following "open letter" addressed to all Chinese subjects on the question of the American Exclusion Act.

The American Congress opened on Dec 1st, since when it is apparent that there is a determination to adhere to the general terms of the Exclusion Act. It is clear that no notice has been taken of public opinion is this country and that Americans have paid no attention to our boycott. Those of our people who have natural feelings should feel greatly ashamed and nettled up by this.

I, the undersigned have received a telegram from Mr. Tsêng Shao-ching of Shanghai Chamber of Commerce and the Wên-ming Chü Yueh-she or "Civilized anti-exclusion treaty society" asking me to sympathize with them and to jointly petition the Waiwupu to telegraph to Sir Liang Chinese Minister at Washington to oppose it.

Those who wish to join the petition, are requested to send in their names within three days, and draft a petition if possible.

(Signed) Hang Shen-hsin.
(Also known as Hang Hsin-chai)

Appended is a copy of the telegram.

"Hang Hsin-chai, *Chung Hua Pao* Office, Peking, the date for Congress is near at hand. We wish you to unite with us and to jointly petition the Wai Wu Pu to telegraph to Minister Liang to oppose the treaty and add our names to the potition.

(Signed) Tsêng Chu,
Chamber of Commerce.
Wên-ming Chu Yueh She.

The Wai Wu Pu has received in succession two telegrams from Sir Liang, Minister in Washington concerning the Chinese Labourer Exclusion Act. The first wire stated that the American Government has promised to make alterations of the Exclusion Law, and do away with the severe clauses; now, the new act grants fair treatment to officials, merchants, and students only, and labourers are not included. It is stated in the second telegram that Minister Liang has been notified and requested to sign the new treaty, but he refuses, and it is now under negotiation. He requests the Wai Wu Pu to be strong with the U. S. Minister in Peking and not consent to sign the treaty.